

**STAFF REPORT
VOLUME IV**

**REVISION OF THE CLEAN WATER ACT SECTION 303(d)
LIST OF WATER QUALITY LIMITED SEGMENTS**

RESPONSES TO COMMENTS



OCTOBER 2002

**DIVISION OF WATER QUALITY
STATE WATER RESOURCES CONTROL BOARD
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

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STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY

STAFF REPORT

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Staff Report by the
Division of Water Quality
State Water Resources Control Board

***REVISION OF THE CLEAN WATER ACT SECTION 303(d)
LIST OF WATER QUALITY LIMITED SEGMENTS***

Responses to Comments

Volume IV

This Staff Report supporting the revision of the Clean Water Act Section 303(d) list of water quality limited segments has four parts: (1) Volume I contains the listing methodology and a summary of the proposed additions, deletions, changes, and priorities; (2) Volume II contains summaries of the proposals for the North Coast, San Francisco Bay, Central Coast, and Los Angeles Regional Water Quality Control Boards (RWQCBs); (3) Volume III contains summaries of the proposals for the Central Valley, Lahontan, Colorado River Basin, Santa Ana, and San Diego RWQCBs, and (4) Volume IV contains the responses to comments received.

This document is Volume IV of the Staff Report. The SWRCB responses to all comments received are presented.

On April 2, 2002, a public notice for the public hearing was circulated to the public and a draft staff report (SWRCB/DWQ, 2002) was made available for public review. The hearing notice was sent to over 10,000 interested parties. The persons who submitted new data and information, written comments, or presented oral testimony are listed below. A key for reading the comment and response table follows the list of commenters. Finally, a table is presented with a summary of all comments submitted and the SWRCB response to each comment.

Key for Reading the Comments and Responses Table

Column 1

Comment Number: Each comment has been assigned a comment number consisting of three parts that are separated by periods. Starting from the left, the comment number begins with a number representing Regional Water Quality Control Board (RWQCB) that was the primary focus of the comment submittal or testimony. If the comment letter provided general comments and/or provided comments on a number of

RWQCBs the comment letter was designated as a general comment letter and assigned a “G.”

The second number represents the interested party that submitted the comment. These numbers were assigned in the order the letters or testimony was received. Comment numbers less than 100 were assigned to the written submittals. Comment numbers greater than 100 but less than 200 were assigned to individuals who provided testimony at the May 23, 2002 hearing. Comment numbers greater than 200 but less than 300 were assigned to individual who provided testimony at the May 24, 2002 hearing. Comment numbers greater than 300 were assigned to individuals who provided testimony at the May 30, 2002 hearing. The list of commenters, with their assigned codes, is provided in the next section.

The third number represents the individual comment presented in the written submittal or testimony.

Column 2	Summary of Comment: The column provides a summary of each individual comment the SWRCB received on the April 2002 <u>draft</u> staff report (SWRCB/DWQ, 2002).
Column 3	Response: The column contains the SWRCB response to each comment.
Column 4	Revision: This column states whether the staff report or section 303(d) list was revised based on the comment.
Column 5	Section/Area: This column provides the section addressed in the <u>draft</u> staff report dated April 2, 2002 (SWRCB/DWQ, 2002). If the comment did not result in a change to the staff report, no section is listed.

List of Commenters

Individuals or organizations who submitted written comments on the proposed staff report or 2002 section 303(d) list before the close of the hearing record (June 15, 2002) or who gave testimony at the May 23, May 24, and May 30, 2002 hearings are listed below. All comments presented at the hearing were addressed.

Reference

State Water Resources Control Board, Division of Water Quality. 2002. Draft Staff Report: Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments, 3 Volumes.

List of Commenters

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| 1.7 | Brenda Adelman
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| 1.8 | Craig Bell
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1.17	Miles Ferris City of Santa Rosa 100 Santa Rosa Avenue Santa Rosa, CA 95402	1.25	John Benbow 6667 Benbow Drive Garberville, CA 95542
1.18	Chris Peterson Biology and Beyond, Rancho Cotate High School 5450 Snyder Lane Rohnert Park, CA 94928	1.26	Richard and Sally French French Ranch 12051 Wilder Ridge Rd. Garberville, CA 95542
1.19	Lawrence Dwight Humboldt-Del Norte Cattlemen's Association 5630 S. Broadway at Spruce Point Eureka, CA 95503	1.27	Kathleen and Daniel Scheel No address provided
1.20	Joseph Russ IV Russ Ranch & Timber Co., LLC 3592 Centerville Road Ferndale, CA 95536	1.28	Illegible/Unknown No address provided
1.21	Elizabeth Finger Jacoby Creek Protection Association P.O. Box 6 Bayside, CA 95524	1.29	Marcia Bauer No address provided
1.22	Andy Westfall The Buckeye Conservancy P.O. Box 5607 Eureka, CA 95502	1.30	James Cook 2180 Prescott Drive Ferndale, CA 95536
1.23	Sterling McWhorter Mattole Landowners for Sensible Watershed Management P.O. Box 133 Honeydew, CA 95545	1.31	Margot Wells P.O. Box 4 Ferndale, CA 95536
1.24	Todd Phelps No address provided	1.32	Stephen Levesque Campbell Timber Management P.O. Box 1228 Fort Bragg, CA 96437
		1.33	Clark Fenton 281 Beverly Drive Arcata, CA 95521

1.34	Katherine Ziemer Humboldt County Farm Bureau 5601 South Broadway Eureka, CA 95503	1.107	Sally French 12051 Wilder Ridge Rd. Garberville, CA 95542
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1.103	Dave Smith City of Santa Rosa and Windsor 3620 Happy Valley Rd. # 102 Lafayette, CA 94549	1.111	Alan Levine Coast Action Group P.O. Box 215 Point Arena, CA 95468
1.104	Brenda Adelman Russian River Watershed Protection Committee P.O. Box 501 Glennville, CA 95446	1.112	Chris Poehlmann Coastal Forest Alliance P.O. Box 61 Annapolis, CA 95412
1.105	Joe Dillon National Marine Fisheries Service	1.113	Vivian Bolin Pacific Coast Federation of Fishermen's Association 850 Greenwood Hts. Kneeland, CA 95549
1.106	Mary Etter P.O. Box 57 Honeydew, CA 95545	1.114	Tom Herman Burnum Timber Company P.O. Box 173 Eureka, CA 95502

1.115	Bernie Bush Redwood Creek Landowners Association P.O. Box 68 Korbel, CA 95550	2.4	Michael P. Carlin San Francisco Public Utilities Commission 1155 Market St., 4th Floor San Francisco, CA 94103
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2.2	Steve Moore San Francisco Bay RWQCB 1515 Clay Street, Suite 1400 Oakland, CA 94612	2.10	Carl M. Mosher City of Jose, Environmental Services Department 777 North First Street, Suite 450 San Jose, CA 95112
2.3	Adam Olivieri Santa Clara Valley Urban Runoff Pollution Prevention Program 699 Town & Country Village Sunnyvale, CA 94086	2.11	Karen DeGannes Environmental Justice Solutions 1007 Gen. Kennedy Avenue, #6 San Francisco, CA 94129

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2.14	Jennifer Clary Alliance for a Clean Waterfront 41 Sutter Street, Box 1364 San Francisco, CA 94104	3.2	Bruce Johnston Paradise Homeowners Association 2 Fremont Lane, Star Route Santa Barbara, CA 93105
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2.103	Jonathan Kaplan WaterKeepers of Northern California P.O. Box 29921 San Francisco, CA 94129	3.7	Holly Price Monterey Bay National Marine Sanctuary 29 Foam Street Monterey, CA 93940

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5.7	Bryan Stuart Dow AgroSciences LLC 9330 Zionsville Road Indianapolis, IN 46268	5.15	John H. Schroeter, P.E. East Bay Municipal Utility District 375 Eleventh Street Oakland, CA 94607

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5.18	William Jennings DeltaKeeper 3536 Rainier Avenue Stockton, CA 95204	5.206	Lynn Barris Environmental Caucus of the Public Advisory Group 2830 House Avenue Durham, CA 95958
5.19	Christopher K. Eley Christopher K Eley and Allison N. Hardy, Attorneys at Law 343 E. Main St., Suite 710 Stockton, CA 95202	5.207	Bill Jennings DeltaKeeper, WaterKeepers for Northern California, Sportfishing Protection Alliance 3536 Kaiser Avenue Stockton, CA 95204
5.20	Danny Gottlieb Citizens for Safe Water in Habitats in Modesto, California P.O. Box 578093 Modesto, CA 95357	5.208	Bill Thomas Grapefruit League 770 L Street, #1150 Sacramento, CA 95814
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5.202	Cindy Paulson Turlock Irrigation District 201 N. Civic Drive Walnut Creek, CA 94596	6.2	Charles Hungerford HellerEhrman/IMC Chemicals 275 Middlefield Road Menlo Park, CA 94026
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6.4	Harold Singer Lahontan RWQCB 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150	6.202	Dan Gallagher Victor Valley Wastewater Reclamation Authority Victor Valley, CA
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6.6	Charles Hungerford Heller, Ehrman/IMCC 275 Middlefield Road Menlo Park, CA 94025	6.204	Charles Hungerford Heller, Ehrman, White & McAuliffe/IMCC 275 Middlefield Road Menlo Park, CA 94025
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6.8	William Thomas Centennial Livestock 1201 K Street, Suite 1100 Sacramento, CA 95814	7.1	Jose Angel Colorado River Basin RWQCB 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
6.9	Richard Anderson California Fly Fisher P.O. Box 8535 Truckee, CA 96162	7.2	Roger Henning Palo Verde Irrigation District 180 West 14th Avenue Blythe, CA 92225
6.10	Charles Hungerford Heller, Ehrman/IMCC 275 Middlefield Road Menlo Park, CA 94025	7.3	Jose Angel Colorado River Basin RWQCB 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260
6.201	Julie Conboy City of Los Angeles No address provided	7.301	Jose Angel Colorado River Basin RWQCB 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260

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9.5	David Zappe Riverside County Flood Control and Water Conservation District 1995 Market Street Riverside, CA 92501	9.13	Nancy R. Palmer City of Laguna Niguel 27791 La Paz Road Laguna Niguel, CA 92677
9.6	E. G. (Bud) Summers Hines Nurseries 12621 Jeffery Road Irvine, CA 92620	9.14	Environmental Health Coalition of San Diego 1717 Kenttner Boulevard, #100 San Diego, CA 92101
9.7	Gary W. Erbeck County of San Diego, on behalf of San Diego Regional 303(d) Workgroup P.O. Box 129261 San Diego, CA 92112	9.15	Ralph Inunza San Diego City Council 202 C Street San Diego, CA 92101
9.8	Scott W. Huth City of Coronado 101 'B' Avenue Coronado, CA 92118	9.16	Richard A. Watson Richard Watson & Associates, Inc. 21922 Viso Lane Mission Viejo, CA 92691
9.9	William E. Cameron City of San Clemente Engineering Division, 910 Calle Negocio, Suite 100 San Clemente, CA 92673	9.17	Larry McKenney County of Orange, Environmental Resources 1750 S. Douglas Road Anaheim, CA 92806

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9.310	David Keith San Diego County 303(d) Work Group 8788 Balboa Avenue, Ste. 200 San Diego, CA 92123	9.319	Scott Huth City of Coronado 101 B Avenue Coronado, CA 92020
9.311	John Van Rhyn San Diego County 303(d) Work Group 1255 Imperial Avenue San Diego, CA	9.320	Eric Klein San Diego County 303(d) Work Group 338 Via Vera Cruz San Marcos, CA 92096
9.312	Sheri McPherson San Diego County 303(d) Work Group 1255 Imperial Avenue San Diego, CA	9.321	Arthur Barnett MEC Analytical Systems 2433 Impala Drive Carlsbad, CA 92008
9.313	Lisa Kay San Diego County 303(d) Work Group 2433 Impala Drive Carlsbad, CA 92008	G.1	Raymond Miller Southern California Alliance of Publicly Owned Treatment Works 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675
9.314	Rosanna Lacarra San Diego County 303(d) Work Group 405 Oak Avenue Carlsbad, CA 92008	G.2	Raymond Miller Southern California Alliance of Publicly Owned Treatment Works 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675
9.315	Jack Miller San Diego County 303(d) Work Group Water Quality Program San Diego, CA	G.3	Eric Slade 947 Tiller Way Corona Del Mar, CA 92625
9.316	Larry McKenney County of Orange P.O. Box 4048 Santa Ana, CA 92702	G.4	Phil DuAmarell 660 Newport Center Drive #1100 Newport Beach, CA 92660
9.317	Cesar Lopez San Diego County Water Authority 610 West Fifth Avenue Escondido, CA 92025		

G.5	Craig Crawley 219 Emerald Bay Laguna Beach, CA 95812	G.13	Raymond Miller Southern California Alliance of Publicly Owned Treatment Works 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675
G.6	Linda Sheehan and Craig Johns AB 982 Public Advisory Group	G.14	Linda Falasco Construction Materials Association of California 1029 J Street, Suite 300 Sacramento, CA 95814
G.7	Sally Coleman Ventura County Public Works 800 S. Victoria Avenue Ventura, CA 93009	G.15	Raymond Miller Southern California Alliance of Publicly Owned Treatment Works 30200 Rancho Viejo Road, Suite B San Juan Capistrano, CA 92675
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G.10	David Beckman and Anjali Jaiswal Natural Resources Defense Council 6310 San Vicente Blvd, Suite 250 Los Angeles, CA 90048	G.18	Steven Arita Western States Petroleum Association 1115 11th Street, Suite 150 Sacramento, CA 95814
G.11	Alexis Strauss U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, CA 94105	G.19	Craig Johns and Jeff Sickenger California Manufacturers and Technology Association 980 9th Street Sacramento, CA 95814
G.12	Alan Thum 1392 Peachwood Drive Encinitas, CA 92024	G.101	Dave Smith U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, CA 94105

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COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.1.1	For Redwood Creek, the 14.8 degrees temperature criteria is inappropriate and, at the lower end of the threshold range. Also, it fails to consider the temperature conditions of Northern California.	The temperature criteria are appropriate, and is at the upper threshold range and will reduce growth 10 percent from optimum. The upper threshold for the MWAT of 14.8 degrees used by the RWQCB (Sullivan et al.) will also, effectively block migration, inhibit smoltification, and create disease problems for salmonids. The temperature data evaluated by the Regional Board for the update of the 303(d) list were reviewed by the comparison to the MWAT as well as an acute threshold of 24 degrees. The temperature conditions of Northern California were considered. The temperature data were evaluated with respect to the current and historic presence of cold water fish. If a stream which exhibits temperatures within the chronic reduced-growth MWAT range, has a decreased salmonid fishery compared with historic Northern California levels, then it is inferred that historically the stream exhibited acceptable temperatures (MWATs).	No	
1.1.2	For Redwood Creek, the turbidity threshold is set at the lower end of the range of values found in the literature and does not reflect conditions on the North Coast where high levels have existed historically.	The turbidity threshold used is appropriate. No specific threshold or life stage requirement was used as an absolute when making a 303(d) listing determination, but rather this information was used as guidance. Beneficial use impairment due to suspended sediment/turbidity and/or substrate conditions is assessed by evaluating site specific suspended sediment concentrations, turbidity levels, and/or critical salmonid life stage requirements presented in the literature.	No	
1.1.3	Staff has set the bar so high as to justify the listing of virtually any water body in the region.	Comment acknowledged.	No	
1.1.4	The number of water bodies recommended for listing is so high that it will be impossible to complete the required work in the next decade if staff devoted all their time to the effort.	Comment acknowledged.	No	
1.1.5	Clear and compelling evidence exists and has been put into the record that shows Redwood Creek should be removed from the list.	All the data and evidence that was placed in the record has been reviewed by staff. There is evidence in the record that supports that Redwood Creek should not be removed from the 303(d) List. The data for Redwood Creek have been summarized in a new Fact Sheet.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.2.1	Disagree with putting Laguna de Santa Rosa on the Watch List for Copper because no exceedances of copper levels have been indicated.	Staff has reviewed available copper, chromium, and zinc water quality and sediment data, including additional (new) data submitted by the City of Santa Rosa (Letter 1.17), collected from Santa Rosa Creek and Laguna de Santa Rosa. Comparison of these data to applicable criteria (maximum contaminant level, an agricultural criterion, public health goals, aquatic life criterion, and California Toxic Rule criteria) shows that all available data are below applicable criteria. The RWQCBs previous assessment did not include comparison to CTR. The City of Santa Rosa continues to monitor both Santa Rosa Creek and the Laguna de Santa Rosa for these metals, and the RWQCB will continue to review the results when available. Santa Rosa Creek and Laguna de Santa Rosa do not warrant listing on the Monitoring List for copper, chromium, and zinc.	Yes	Volume II, Region 1
1.2.2	No evidence exists for elevated copper concentrations in the Santa Rosa Creek or the Laguna de Santa Rosa and they should be taken off the Watch List.	Please refer to the response to comment 1.2.1.	Yes	Volume II, Region 1
1.2.3	The RWQCB has indicated that the Watch List will not be used for regulatory purposes and placement of Santa Rosa streams on the Watch List should have. But what about the potential cost of further study.	Please refer to the response to comment 1.2.1.	Yes	Volume II, Region 1
1.2.4	Stakeholders may misinterpret inclusion on the Watch List as indicating a serious problem when none exists.	Please refer to the responses to comments 1.2.1 and G.10.1.	No	
1.2.5	Although the RWQCB considers the Watch List to be non-regulatory and for internal use only, there is no guarantee that the USEPA will use the list in this manner. The USEPA may decide to list all of the Watch List water bodies.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.2.6	No evidence of elevated Diazinon exists, so Santa Rosa Creek should not be singled out for placement on the Watch List. The Watch List for Diazinon be revised to include all urban streams.	Monitoring of pesticides in Santa Rosa, Montanzas, Piner, Peterson, and Brush Creeks in November of 1999 by the City of Santa Rosa were non-detect for all pesticides, including diazinon. Presented in the RWQCB November 16, 2002 303(d) List Update Recommendations report, a 1997 Department of Pesticides Regulations study reported that two of the fifty two samples from the Russian River above the reporting limit, at concentrations above that believed to be detrimental to freshwater organisms. The RWQCB recommends placing the Russian River watershed on the Monitoring List for diazinon, but not specifying individual tributaries. The tributaries of the Russian River should not be placed on the Monitoring List. The Russian River should be on the Monitoring List for diazinon.	Yes	Volume II, Region 1
1.2.7	The RWQCB is recommending adding dissolved oxygen and nutrients to the 303(d) list. No evidence exists that reducing phosphorus in the Laguna de Santa Rosa will result in increased dissolved oxygen concentrations and phosphorus should be removed from the list recommendations, and should also not be included on the Watch List.	The fact sheet was in error in referring to a USEPA "criterion" of 0.1 mg/L for total phosphorus. This total phosphorus concentration is in fact a "desired goal" for the prevention of plant nuisances in streams or other flowing waters not discharging directly to lakes or impoundments. The fact sheet was modified to reflect this information.	Yes	Volume II, Region 1
1.3.1	There is sufficient information, discussion, and data to indicate impairment of the Gualala River (and five other north coast rivers) by the pollutant temperature.	Agree. There is sufficient information and available data to list all six of the North Coast rivers proposed for temperature listing. The Gualala River, Mad River, Russian River, Ten Mile River, Big River, and Redwood Creek, will all be listed for temperature on the 2002 section 303(d) list.	Yes	Volume II, Region 1
1.3.2	The choice to place the Gualala River (and other rivers proposed for listing as temperature impaired) on the Watch List is an error. The water bodies are not meeting their designated beneficial uses and their cold water fisheries are impaired.	Agree. Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.3	The decision not to list the Gualala River is not supported by reasonable and justifiable argument or findings. The SWRCB should reconsider this issue and add the Gualala River to the 303(d) List citing the pollutant as temperature.	Agree. Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.3.4	RWQCB staff have supplied more than ample data, monitoring data, information, scientific review, and justification to list the Gualala River as temperature impaired.	Agree. Please refer to the response to Comment No. 1.3.1.	Yes	Volume II, Region 1
1.3.5	None of the assumptions for being placed on the Watch List hold true for the data sets and information provided on the proposed listing of the Gualala River for temperature.	Please refer to the response to Comment 1.3.1.	Yes	Volume II, Region 1
1.3.6	Scientific references provided by the RWQCB are quite sufficient, and sufficient evidence and data were provided by the staff. These waters deserve further review by the SWRCB.	Please refer to the response to Comment 1.3.1.	Yes	Volume II, Region 1
1.3.7	The RWQCB based much of their scientific discussion of temperature values on Sullivan et al. 2000. Many other references provided by the RWQCB are quite sufficient and deserve further review by SWRCB.	Please refer to the response to Comment 1.3.1.	Yes	Volume II, Region 1
1.3.8	Thermal barriers and waters with elevated temperature limit opportunity to seek and find food as well as cause fish to congregate in limited cool areas subjecting them to mass predation.	Comment acknowledged.	No	
1.3.9	There are current papers out there on temperature effects on salmonids, not considered by the RWQCB. One paper by Essig (1998) on the background effects of temperature on Salmonids.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.10	There are many effects of elevated temperature. Elevated temperature results in impaired growth rates, increased disease rates, loss of swimming speed and stamina, impacted embryological development, respiration problems, smoltification issues, increased predation and competition. All of these impacts are reasons to list the North Coast rivers for temperature.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.11	The Gualala and other North Coast Rivers listed for sediment impairment are subject to temperature problems as well. Sediment impairment is not separate or distinct from elevated temperature levels. These rivers should all be listed for temperature as well as sediment.	Please refer to the response for Comment 1.3.1	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.3.12	The nearstream microclimate is a major controlling factor of instream temperature. It is easy to see how both sediment/ aggradation and hillslope factors can work in combination to raise the level of instream temperatures. Temperature should be listed for the Gualala and all of the North Coast Rivers.	Please refer to the response for Comment 1.3.1	Yes	Volume II, Region 1
1.3.13	If you apply the temperature factors (such as sediments filling deep water pools displacing cool water refugia for fish) to the Gualala you'll find severe erosional problems, aggradation by coarse and fine sediment, lack of deep holes, poor riparian cover or closure with very little abundance of large conifers, a lack of woody debris, and elevated stream temperatures throughout most of the watershed. There is very little available suitable stream habitat for salmonids.	Comment acknowledged.	No	
1.3.14	Given the information from the Timber Harvest Plans (THPs) the Gualala River is a highly degraded system. It is probably is bad or worse shape as any of the rivers on the North Coast. Elevated temperature and stream pool filling dominate Gualala River streams are choked with sediment from recent highly intensive land use are limiting factors for salmonids.	Comment acknowledged.	No	
1.3.15	Sixty-five locations on the Gualala were sampled for temperature. 54 locations showed exceedance of coho reduced growth threshold of 14.8 degrees Celsius. Forty-one locations showed exceedance in a range of extreme concern and sub-lethal effects. The temperature of the Gualala River is very elevated.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.16	Data sampling in the Gualala river at Buckeye Creek, South Fork, Wheatfield Fork, Rockpile Creek, and North Fork indicates by the 54 samples with MWAT exceedances, that the temperature of the Gualala River is elevated.	Please refer to response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.17	The Gualala river and five other North Coast rivers proposed to be listed for temperature are subject to land use impacts, mostly due to timber harvest operations. As noted by recent listings of North Coast Rivers for sediment, temperature, and some nutrients; land use activity, primarily Forest Practices, bears the largest share of responsibility for these pollutant inputs.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.3.18	The California Department of Forestry and Fire Protection (CDF) is responsible for Basin Plan compliance. CDF claims the RWQCB staff do not understand timber operations. However CDF finds it extraordinarily difficult to provide water sciences training to staff and they have no program to accomplish this task.	Comment acknowledged.	No	
1.3.19	There is sufficient evidence, discussion, and scientific review to list the Gualala River for temperature impairment. Failure to place the water bodies on the 303(d) List will likely delay the recovery of the cold water fishery.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.3.20	CDF compliance with the Basin Plan is crucial to help solve the sediment/temperature problems on the North Coast rivers.	Comment acknowledged.	No	
1.4.1	The listing of the Russian River as impaired by temperature was approved by the RWQCB, but is proposed to be placed on a Watch List by the SWRCB Board. The commenter strongly disagrees with this decision.	Please refer to the response for comment 1.3.1.	Yes	Volume II, Region 1
1.4.2	The proposed listings of Redwood Creek, and the Gualala, Big, Ten Mile, and Mad Rivers for temperature by the RWQCB staff, were rejected by the RWQCB members without viewing much of the staff's presentation. The commenter strongly disagrees with this decision.	Comment acknowledged.	No	
1.4.3	The SWRCB should adopt the listings in Region 1 for temperature, based on the recommendation of experienced RWQCB staff. The water bodies are not meeting their designated beneficial uses and, in particular, the cold water fishery use is impaired.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.4.4	The SWRCB should adopt these listings based on the recommendation of the experienced RWQCB staff. The six water bodies (Gualala, Redwood Creek, Big, Ten Mile, Russian and Mad Rivers) proposed for temperature listings are all currently listed for excessive sediment. Excessive sedimentation is often a factor in temperature impairment as the sediment fills deep pools, displacing the cold water refuge for fish.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.4.5	A very impressive data set was gathered and analyzed by the RWQCB staff in support of listing all six of the North Coast Rivers (Gualala, Redwood Creek, Big, Ten Mile, Russian and Mad Rivers) as impaired by temperature. The data set includes multiple years of monitoring data at a minimum of thirty-three sites in each watershed. The data sets for the temperature listings represent two years or more data gathered for nearly all subwatersheds. In many case four or more years of monitoring data were conducted and analyzed.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.4.6	The maximum weekly average temperature (MWAT) methodology was used in all the studies, and has been a standard used by the states and the U.S.EPA for at least two decades. The detailed data clearly illustrates that these watersheds are likely impaired due to excessive temperatures and that they require more thorough evaluation and a TMDL.	Please refer to the response to comment 1.3.1 and 1.1.1.	No	
1.4.7	A strong correlation between land use activities and specific beneficial use impairments has emerged on the North Coast of California. Thus, it is not difficult to correlate historical timber harvest practices with the altered regimes of the North Coast rivers due to an increase in sedimentation and decrease in shade provided by large trees.	Comment acknowledged.	No	
1.4.8	Coupled with the data set presented by the RWQCB staff, it is likely the water quality and beneficial uses of the Russian river system are impaired due to high temperature.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.4.9	The data sets are robust enough to justify the North Coast Rivers inclusion on the 303(d) List. The State and/or EPA is obligated to list them in compliance with their duties under the Clean Water Act. Failure to place these water bodies on the list will likely delay the recovery of the designated beneficial uses, particularly the cold water fishery which includes species and habitat listed under the Endangered Species Act.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.4.10	The Watch List is an unfunded concept. A waterbody placed on the Watch List will not be watched due to the current resource problems of the State of California.	Please refer to the response to Comment G.10.1 and G.11.8.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.4.11	The SWRCB should reconsider the addition of the six water bodies North Coast Rivers (Gualala, Mad, Russian, Ten Mile, Big Rivers and Redwood Creek) listed previously to California's 303(d) list of impaired waters and TMDL priority schedule.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.5.1	The RWCQB staff provided more than sufficient historical and new data and science, discussion of listing factors, and assessment of temperature impairment to justify adding these rivers to the 303(d) list as impaired for temperature.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.5.2	The "Watch List" designation of Gualala, Big, Russian, Ten Mile, Mad Rivers and Redwood Creek is not supported because the ample amount of data shows that these rivers are the most temperature impaired rivers on the coast.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.5.3	The temperature requirements for the Coho salmon are not being met in these rivers where they were once very abundant. There are few areas now that support suitable refugia to support viable populations and only a handful have been sighted in the area.	Comment acknowledged.	No	Volume II, Region 1
1.5.4	Nowhere was there evidence that the ideal MWAT of 14.8 degrees Celsius existed for any extended reaches along with suitable sediment substrate.	Comment acknowledged.	No	
1.5.5	Increases in sediment (which the rivers are already listed) from human-caused sources are contributing to higher temperatures in these rivers. An added listing of temperature would give added protection to these rivers.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.5.6	Failure to place these rivers on the 303(d) list for temperature will delay the recovery of their beneficial uses and contribute to the extirpation of the last remaining Coho salmon population.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.5.7	Please support the RWQCB staff's decision to list these water bodies for temperature.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.6.1	The RWQCB requests that changes need to be made to the SWRCB staff report regarding missing/incorrect information and changes in the language used. The information that needs to be added/changed is outlined in the letter.	Revisions to the staff report regarding missing/incorrect information and changes in the language will be addressed. Several sections of the report were changed to include the potential source of the pollutant the correct "medium" and minor grammatical changes proposed by the commenter.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.7.1	Commenter supports the RWQCB staff's decision to list the Russian River for temperature.	Comment acknowledged. Please refer to the response to comment 1.3.1.	Yes	
1.7.2	The Russian River listing for pathogens should be expanded to include the entire river downstream of Healdsburg.	This listing should not be expanded. The RWQCB sites that extensive monitoring is ongoing and will include the entire river downstream of Healdsburg. This will help in the assessment of the lower Russian River. Based on existing data we are only recommending Healdsburg and Monte Rio areas for 303(d) listing.	No	
1.7.3	For years fishermen have noticed water quality problems downstream of Mark West Creek. Santa Rosa's wastewater discharges into the Laguna de Santa Rosa which empties into Mark West Creek.	Please refer to the response to comment 1.7.2.	No	
1.7.4	Pathogens in Santa Rosa's storage ponds regrow and multiply and then are released (unmonitored) into the streams where they are a recreational hazard.	Please refer to the response to comment 1.7.2.	No	
1.7.5	Temperature, DO, turbidity and pH are measured upstream and downstream of Mark West Creek during the discharge season and sampling for pathogens should occur as well.	Please refer to the response to comment 1.7.2.	No	
1.7.6	Pathogens are being deposited and stored in the sediments, which are then stirred up by people recreating in the summer that results in there being a pathogen hazard in the non-discharging season.	Please refer to the response to comment 1.7.2.	No	
1.7.7	The commenter welcomes a RWQCB study of sediments in addition to water quality.	Comment acknowledged.	No	
1.7.8	Most people in our survey swim in the Forestville to Guerneville area and not Monte Rio. The commenter has received complaints about the Forestville area just downstream of Mark West Creek.	Please refer to the response to comment 1.7.2.	No	
1.7.9	The commenter supports, at a minimum, including the Mirabel (Forestville) area as part of the pathogens listing on the Russian River.	Please refer to the response to comment 1.7.2.	No	
1.7.10	Bacteriological data in RWQCB files is irregular and inconsistent with county health department and RWQCB decisions regarding a pathogen problem in this area.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.7.11	The commenter disagrees that only Healdsburg and Monte Rio are on the 303(d) list for pathogens when evidence indicates that there is a much wider problem that may be caused by sources other than failing septic systems.	Please refer to the response to comment 1.7.2.	No	
1.7.12	The commenter supports a pathogen monitoring study of the entire lower river in order to determine the source of the pathogen exceedences on the lower Russian River.	Please refer to the response to comment 1.7.2.	No	
1.7.13	The pathogen data is not valid based on the fact that there is not clear and consistent description of how the samples were taken and analyzed. Furthermore, pathogen monitoring is not frequent enough.	The RWQCB data appears to be usable for the purposes of the section 303(d) list.	No	
1.7.14	Was there scientific basis for why the Russian River was not listed for temperature?	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.7.15	The following documents give support to listing the Russian River for temperature. RWQCB staff report, report from Sonoma County Water Agency and National Marine Fisheries Service - Report #3, Flow-Related habitat, and Santa Rosa Subregional Water Reclamation System Temperature Limit Study.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.7.16	The following documents give support to listing the Russian River for temperature: RWQCB staff report, report from Sonoma County Water Agency and National Marine Fisheries Service - Report #3, Flow-Related Habitat, and Santa Rosa Subregional Water Reclamation System Temperature Limit Study. These documents came as attachments to the letter.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.8.1	The RWQCB staff did an excellent job characterizing the temperature problems on the Gualala River.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.8.2	The Coho was once abundant in the Gualala and should be the target species for recovery in the basin.	Comment acknowledged.	No	
1.8.3	Water temperature information provided by Gualala Redwoods Inc. along with timber harvests shows that water temperature problems are pervasive in the basin and do not meet the criteria for Coho rearing anywhere except in small tributaries.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.8.4	The Gualala is not suitable for Coho rearing anywhere temperature data is measured and recorded. The Gualala River in the past, below the North Fork, was optimal habitat for steelhead.	Comment acknowledged.	No	
1.8.5	The filling of the streams with sediment is contributing to the increase in temperatures which is contributing to the lose of beneficial uses necessitating the temperature listing.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.8.6	The SWRCB should list the Gualala River for temperature so that each potential impact has to formally address temperature impairments.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.9.1	The commenter supports a 303(d) listing process where the water quality impairment is clearly and appropriately identified through adopted water quality objectives and adequate data and when TMDLs can be developed that will effectively improve water quality in a reasonable time period.	Comment acknowledged.	No	
1.9.2	The commenter is concerned when constituents are added to a 303(d) list due to lack of adequate data or adopted objectives, only to have the constituent de-listed after significant public funds have been expended to determine that a problem did not exist.	Comment acknowledged.	No	
1.9.3	The commenter supports the SWRCB staff's decision to put the Russian River and its tributaries on the watch list for temperature rather than on the 303(d) list.	Please refer to the response to comment 1.3.1.	No	
1.9.4	The criteria used by the RWQCB to justify listing the Russian River for temperature is of concern.	Please refer to the response to comment 1.1.1.	No	
1.9.5	The commenter supports a Watch List recommendation while additional data is gathered, appropriate temperature criteria are developed and adopted through the basin planning process, and legally required pollution control mechanisms and BMPs are developed and applied.	Comment acknowledged.	No	
1.9.6	Neither the SWRCB nor the RWQCB staff reports show justification for the size of the Russian River, which is impaired for pathogens. The data does not support this decision.	The boundaries for the Monte Rio-area pathogen listing (from the confluence of Dutch Bill Creek to the confluence of Fife Creek) were identified and due to suspected potential sources from the communities of Monte Rio, Camp Meeker, Guerneville Park, and Guerneville. Please refer to the response to comment 1.7.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.9.7	The Russian River listing that unduly burdens two small sanitation districts that are limited to wintertime discharges is of concern.	Comment acknowledged.	No	
1.9.8	The Monte Rio segment of the Russian River should be put on the Watch List (for pathogens) rather than the 303(d) list while more data is collected in order to further define the problem.	Please refer to the response to comment 1.7.2.	No	
1.9.9	Any pathogen listings should be limited to only the summertime when the area is used for recreation.	Though the pathogen listing recommendations for the Monte Rio area and Healdsburg Memorial Beach were based on monitoring conducted only during the summer season, it is not known whether the impairment is limited to this season. Until more is known about the extent of this problem, it is appropriate for the listing to apply to all seasons.	No	
1.9.10	Table 1 of the SWRCB staff's recommendations is unclear about the extent of the impaired (pathogen) segments, and we feel this will create confusion.	Comment acknowledged.	No	
1.9.11	The Laguna de Santa Rosa should be included on the Watch List rather than on the 303(d) list for DO and nutrients, while appropriate criteria is developed and implemented.	Please refer to the response to comment 1.2.7. The Water Quality Objective linked to nutrients is being exceeded. The rationale is that the dissolved oxygen will continue to be low. Based on the review of available nutrient data, it appears that nutrients are causing the low dissolved oxygen. The RWQCB recommended listing for dissolved oxygen and nutrients.	No	
1.9.12	Since diazinon was not detected in any of the samples taken from the Laguna de Santa Rosa and Santa Rosa Creek, there is no basis for these water bodies to be placed on the Watch List. As such, we recommend that they be removed from the Watch List.	Refer to the response to comment 1.2.6.	No	
1.9.13	The RWQCB does not provide any evidence that copper or zinc are (or have been) problems in these water bodies, and therefore should be removed from the Watch List.	Please refer to the response to comments 1.2.1.	Yes	Volume II, Region 1
1.10.1	The RWQCB staff has overly embraced NPS sediment as a pollutant contrary to the evidence presented to them.	Comment acknowledged.	No	
1.10.2	Assessment studies of the Salt and Lower Eel Rivers have concluded that sedimentation is a normal historical occurrence, and the pre-industrial stream sediment loads are not known at this time.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.10.3	Based on assessments that have been made, the Eel River is impaired compared to its pre-industrial state.	Comment acknowledged.	No	
1.10.4	In regards to the Eel River, there is a need to identify problems and plan the solutions for those problems, it is a very political process. How can standards be set when no one knows what the natural condition should be?	In the RWQCB development of the TMDL the natural sources and the human sources of the sedimentation will be determined. The task of the TMDL is to determine what can be reduced. The TMDL is scheduled to be completed in September 2006. During the RWQCB analysis assessments will be made of both the natural and human sources of sedimentation.	No	
1.10.5	In regards to the Eel River, there are more appropriate courses of action rather than TMDLs, such as cost share projects between landowners and government agencies.	Please refer to the response to comment 1.10.4.	No	
1.10.6	On the Eel River, a site that was shown to have a massive sediment problem in 1998, requested assistance to address this problem from the RWQCB was not received.	Please refer to the response to comment 1.10.4.	No	
1.10.7	Landowners feel threatened by the TMDL and regulatory staff, and the Lower Eel River listing is an impairment to landowner cooperation in what would be a functional and cost effective program that conserves and protects public trust resources.	Please refer to the response to comment 1.10.4.	No	
1.11.1	The commenter is opposed to the adoption of TMDL standards for the "non-point source" factors potentially affecting fish habitat in the Mattole River watershed.	Comment acknowledged.	No	
1.11.2	Direct observation by myself and others, over a protracted period of time, indicate a recovery in salmonid numbers on the Mattole River. This is due to the good land management practices of the surrounding larger landowners and adequate winter and spring flows.	Comment acknowledged.	No	
1.11.3	Each spring in the Mattole River, large numbers of juvenile salmonids emerge and with them the significant numbers of other animals that prey on them. This is additional evidence of salmonid recovery.	Comment acknowledged.	No	
1.11.4	The use of in-stream conditions in Mattole River to characterize watershed conditions places an unfair burden and long-term economic hardship on legitimate land management activities. It is not possible for the landowners or the regulatory agencies to control the conditions of the watershed.	The Mattole River TMDL is being developed by the RWQCB. The technical TMDL for the Mattole is scheduled to be established by the USEPA in December 2002. A fact sheet describing the available data and information has been included in the Staff Report.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.11.5	Changes in the sediment load of the Mattole River occur over just a few minutes and it is not technically possible to establish a standard.	The numeric targets for sediment are often expressed as a regularly rolling average of total load per time. The targets are not dealt with as a concentration.	No	
1.11.6	The Mattole River fisheries are impaired during the summer when low flows and warm water temperatures are present. Juvenile rearing is impaired at that time, but other life-cycle functions are good and improving.	Please refer to the responses to comments 1.11.4, and 1.11.5.	No	
1.11.7	The problem on the Mattole River are point sources such as water diversions, the use of poorly maintained roads by landowners of small lots. Site specific enforcement action should be taken against these sources rather than punishing everyone. This would be more cost effective.	Please refer to the responses to comments 1.11.4, and 1.11.5.	No	
1.11.8	The watershed wide TMDL approach is wrong and should be stopped.	Please refer to the response to comment 1.11.4.	No	
1.12.1	Redwood Creek is meeting all applicable water quality standards. There is no substantial evidence to support a 303(d) listing of Redwood Creek.	Please refer to the response to comment 1.1.5.	No	
1.12.2	<p>The following is evidence that Redwood Creek is producing salmonids at levels that are the highest ever recorded in the Pacific Northwest and that sediment conditions are as good as they have been at any time in the last century, including times before the influence of intensive land management.</p> <p>-A compilation of information on Redwood Creek in a report entitled, "A Study in Change: Redwood Creek and Salmon", published by CH2MHill, Inc. in Sept., 2000</p> <p>-A letter from Dr. Donald W. Chapman, an expert on Pacific Northwest salmonids</p> <p>-A library of reports, studies, photographs and other materials, with complete reference lists and electronic bibliography, consisting of 479 different sources of information related to conditions in Redwood Creek, including materials cited in "A Study in Change: Redwood Creek and Salmon"</p> <p>-Two years of data from a fish population census taken in Redwood Creek</p>	Please refer to the response to comment 1.1.5.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.12.3	The Redwood Creek listing would create a significant burden on landowners and the public that warrants close scrutiny of available evidence to assure that no listing occurs that is not necessary.	Comment acknowledged.	No	
1.12.4	The recommendations of the RWQCB staff lack factual evidence of the baseline conditions of Redwood Creek and are based on several inappropriate, faulty assumptions regarding thresholds for listing.	Please refer to the responses to comments 1.1.1, 1.1.2, and 1.1.5.	No	
1.12.5	The RWQCB staff show an apparent bias towards expanding the list, thereby increasing their influence on regional land management.	The RWQCB has recommended listing based on the existing data and information.	No	
1.12.6	It is time to stop listing water bodies where the beneficial uses are flourishing and start applying reason to this critical issue.	Comment acknowledged.	No	
1.12.7	Don't be misled by the often repeated notion that the simple inclusion of a water body on the list has no impact on landowners in the watershed. This is simply not true. The listing of a water body, even before a TMDL is developed, has significant impacts on land use.	Comment acknowledged.	No	
1.12.8	Listing any water body that is meeting all applicable water quality standards and thereby imposes unnecessary burdens is not in the interest of the citizens of this state.	Comment acknowledged.	No	
1.12.9	The time required by staff to address a listing detracts from other important agency functions. With today's scarce public funds, it is imperative to assure that no water body is listed without compelling evidence that the listing is warranted.	Comment acknowledged.	No	
1.12.10	Redwood Creek has been unnecessarily listed and the evidence to support such a listing is not available.	Please refer to the response to comment 1.1.1, 1.1.2, and 1.1.5.	No	
1.12.11	In order for Redwood Creek to be included on the 303(d) list, there must be evidence in the record of legal significance which is reasonable, credible and relevant which would lead a reasonable mind to a finding that suspended sediment is adversely affecting beneficial uses or that turbidity is more than 20% above background levels.	Please refer to the response to comment 1.1.5.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.12.12	Redwood Creek has remained on the 303(d) list without additional factual evidence. Redwood Creek was summarily painted with the same broad brush as several the north coast rivers without any real evidence that there was an actual problem with sediment and fish populations.	Please refer to the response to comments 1.1.1, 1.1.2, and 1.1.5.	No	
1.12.13	Substantial evidence has been submitted into the record showing that in the past two years the population of out-migrating salmonids in Redwood Creek has been nothing less than astonishing. It defies logic to conclude that sediment is adversely affecting the fish population when the population dependent solely on the river environment is at record levels.	Please refer to the response to comment 1.1.1, 1.1.2, and 1.1.5.	No	
1.12.14	If sediment conditions in Redwood Creek today are, according to contemporary notion of what constitutes good fish habitat, superior to conditions at the turn of the century when human caused erosion was not a factor, it is illogical to conclude that sediment is not meeting applicable water quality standards. The logical conclusion to be drawn is that human caused erosion has had little more than subtle effects.	Please refer to the response to comment 1.1.1, 1.1.2, 1.1.5.	No	
1.12.15	While there is evidence that sediment conditions are not meeting the "dream stream" expectations of some researchers, the historic sediment information and the capacity of the stream to produce young fish in record numbers casts question on the value of that evidence and defies a conclusion that Redwood Creek is impaired by sediment.	Please refer to the response to comments 1.1.2, 1.1.5.	No	
1.12.16	In order to conclude that human activity has changed Redwood Creek sediment conditions so as to impair beneficial uses, one must have what the baseline conditions were prior to human activity. There is a fatal gap in the baseline information and that this casts doubt on the conclusions made by Regional Board staff.	Please refer to the response to comments 1.1.2 and 1.1.5.	No	
1.12.17	In the report "A Study in Change: Redwood Creek and Salmon" photographic evidence from the last century provide proof that current sediment conditions are within the "natural" sediment range of the stream.	Please refer to the response to comment 1.1.5.	No	
1.12.18	Water temperatures in California are higher than those in Oregon, Washington, and British Columbia. It is improper to use a MWAT based on data that is not from California for listing purposes which will result in many unnecessary listings.	Please refer to the response to comment 1.1.1.	No	

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1.13.1	Reference to a report published by the University of California, Berkeley indicates that problems may best be studied at the watershed level.	Comment acknowledged.	No	
1.14.1	What is the procedure to get staff and Board members to answer questions and to consider input provided by landowners and other professionals.	It is necessary to participate in the public process and public hearings held by the RWQCB and SWRCB in order for the information you have to be considered.	No	
1.14.2	We were notified to attend meetings, etc., but staff ignores our input and questions at training sessions and pre-hearing meetings. The Board only gets what staff tells them.	The SWRCB receives copies of all information provided to the staff.	No	
1.14.3	What can a landowner or professional do when their input and questions are ignored by staff and Board members?	Please refer to the response to comment 1.14.1.	No	
1.14.4	The Redwood Creek listing was based on professional judgement, but no one has provided me with any evidence to back up these opinions.	Please refer to the response to comment 1.1.5.	No	
1.14.5	The commenter provided over five boxes of site specific information on Redwood Creek during the scheduled hearing process, but staff said there was not enough time to review this information, so our input was not considered.	Please refer to the response to comment 1.1.5.	No	
1.14.6	With no required time lines for review, and staff having final say on what is acceptable, and no effective method of appeal by a permittee in the State approved Garcia Implementation Plan, how will unjustified and unsupported actions by staff be rectified, and how will staff be held accountable for their actions.	Comment acknowledged.	No	
1.14.7	I've been ignored when I've tried to obtain a copy of the "Bible" for monitoring and sampling requirements that was shown at the 2/27/02 RWQCB workshop.	The RWQCB has addressed this request. The document referred to as the "Bible" is a copy of the Standard Methods for Analysis of Water and Wastewater. It is used by the RWQCB staff as a reference for field monitoring.	No	
1.14.8	Isn't the "Bible" for monitoring and sampling requirements a violation of Gov. Code section 11340-11340.7, which prohibits the use of agency criteria and internal guidelines that have not been adopted as a regulation and filed with the Secretary of State?	The standard methods are being used for monitoring purposes and are not considered to be a water quality control plan, policy or guidance of general applicability.	No	
1.15.1	The proposed 303(d) and Watch Lists will divert limited water quality protection resources away from real water quality issues.	Please refer to the response to Comment G.10.2.	No	

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1.15.2	The available data and information for Laguna de Santa Rosa and Santa Rosa Creek does not support the listing of these water bodies.	Please refer to the response to comment 1.2.7 and 1.9.11.	No	
1.15.3	Laguna de Santa Rosa should not be listed for nutrients, but should be on the Watch List for phosphorus so that additional information can be collected in order to determine if phosphorus contributing to algae growth and low DO in the Laguna.	Please refer to the response to comment 1.2.7 and 1.9.11.	No	
1.15.4	RWQCB and commenter's interpretation of the data suggests that copper is not elevated in water or sediments and the Laguna should not be on the Watch List for copper.	Please refer to the response to comments 1.2.1.	Yes	Volume II, Region 1
1.15.5	Santa Rosa Creek should not be Watch Listed for diazinon since it has not been detected there. In addition, since USEPA is phasing out its use, it would be a waste of limited resource to develop a TMDL for a pollutant that is being phased out and will be no more sources to regulate.	Refer to the response to comment 1.2.6.	Yes	Volume II, Region 1
1.16.1	The commenter protests the revisions to the 303(d) list because it will cause real hardship for ranchers who try to preserve their land. New regulations cause new expenses that force us to sell to land developers which would result in worse consequences in the watersheds.	Comment acknowledged.	No	
1.17.1	Remove nutrients from the proposed 303(d) list and add Laguna on the Watch List for phosphorus. The commenter is willing to participate in a study for elevated phosphorus.	Please refer to the response to comment 1.2.7 and 1.9.11.	No	
1.17.2	Laguna de Santa Rosa should not be included on the Watch List for copper because copper levels are not elevated in water and sediment.	Please refer to the response to comment 1.2.1.	Yes	Volume II, Region 1
1.17.3	Remove Santa Rosa Creek from the proposed Watch List for diazinon because diazinon was not detected in Santa Rosa Creek and detected in only 2 percent of the Russian River samples.	Please refer to the response to comment 1.17.2.	Yes	
1.18.1	Data was provided on sediment and coliform bacteria levels in the four main tributaries of Laguna de Santa Rosa (which is a tributary of the Russian River).	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.18.2	Suggest further monitoring for sediment and pathogens in these streams as construction projects, increased development and land use changes occur around the creeks. Particularly concerned raised about these changes occurring upstream at high elevations.	Comment acknowledged.	No	
1.18.3	Encouraged by the discovery of juvenile steelhead in Copeland Creek. Other salmonids may be found in the other water bodies, as they are all tributary to the Laguna de Santa Rosa.	Comment acknowledged.	No	
1.18.4	All of the creeks (Copeland Creek, Laguna de Santa Rosa, Hinebaugh Creek, Crane Creek, Five Creek) should continue to benefit from revegetation projects, habitat restoration work, and the discontinuation of the annual bulldozing efforts to remove vegetation from the channels. All these efforts should reduce sediment load into these tributaries to the southern Laguna.	Comment acknowledged.	No	
1.19.1	The commenter supports removing Redwood Creek from the 303(d) List.	Comment acknowledged.	No	
1.19.2	The inclusion of Redwood Creek on the 303(d) List has resulted in increased restrictions and cost which have negatively impacted the ability cattlemen operate on their private lands.	Comment acknowledged.	No	
1.19.3	The RWQCB staff's reliance on inappropriate thresholds for temperature and sediment as well as a lack of baseline data calls into question whether or not the Redwood Creek listing was originally justified.	Please refer to the response to comment 1.1.1.	No	
1.19.4	There is substantial evidence that the conditions in Redwood Creek meet or exceed Water Quality standards and the creek should be de-listed.	Redwood Creek should remain listed. Please refer to the response to comment 1.1.5.	No	
1.19.5	The report "A Study in Change: Redwood Creek and Salmon" and two other recent fish surveys point towards a different conclusion than the one reached by RQWCB staff on the listing of Redwood Creek.	Please refer to the response to comment 1.1.5.	No	
1.20.1	The commenter attended the May 23rd 2002, 303(d) Hearing in Sacramento, and gave support for the testimony on Redwood Creek by Commenter 1.10015 and Commenter 1.10014.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.20.2	The original inclusion of Redwood Creek on the list was a mistake due to lack of baseline scientific data. Studies conducted after the original listing have shown, with factual evidence, sediment conditions are in acceptable range as well as healthy fish populations in Redwood Creek.	Please refer to comment 1.1.5.	No	
1.20.3	The RWQCB staff adopted a threshold of concern for temperature associated with the impairment of Redwood creek with little or no baseline data or relevant factual data. This additional temperature concern is not justified in the context of pollution for an impaired stream given the abundance of anadromous salmonids in the stream.	Please refer to the response to comment 1.1.1.	No	
1.20.4	The facts are that fish numbers in Redwood Creek at record levels and sediment conditions as good as they have been at any time in the last century.	Comment acknowledged.	No	
1.20.5	Studies conducted after the original listing have shown, with factual evidence, sediment conditions are in acceptable ranges as well as healthy fish populations in Redwood Creek.	Please refer to the response to comment 1.1.5.	No	
1.20.6	RWQCB staff adopted a temperature threshold that was based little or no base line data or relevant factual data for Redwood Creek.	Please refer to the response to comment 1.1.1.	No	
1.20.7	Remove Redwood Creek from the list of water quality limited segments.	Please refer to the response to comment 1.1.5.	No	
1.20.8	Additional temperature concern is not justified in the context of pollution for an impaired stream given the abundance of anadromous salmonids in the Redwood Creek stream.	Please refer to the response to comment 1.1.1.	No	
1.21.1	The information presented attest to the increased flooding and sedimentation in the Jacoby Creek watershed.	Comment acknowledged.	No	
1.21.2	Recent observations of this past winter reveal that Jacoby Creek continues to exhibit signs of degradation.	Comment acknowledged.	No	
1.21.3	Sampling data provided shows high turbidity levels for Jacoby Creek.	Comment acknowledged.	No	
1.21.4	Redwood Sciences Lab installed a new gauging station in the watershed at a previous USGS station in 2001. Using this site to establish background levels, turbidity levels in Jacoby Creek are more than 500% higher than the background data.	Please refer to the response to comment 1.21.5	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.21.5	Data collected by Humboldt State University from 1992-2001 shows 1-1.5 feet of aggradation in the Jacoby Creek stream (most occurring since 1995).	Comment acknowledged. These new data support the recommendation to list Jacoby Creek.	No	
1.21.6	Data collected in June of 2002 that shows that the Jacoby Creek stream continues to exhibit signs of degradation .	Please refer to the response to comment 1.21.8.	No	
1.21.7	Decades ago one inch of rain would not have been a significant event for Jacoby Creek, but today, one inch of rain results in flooding (which is now very frequent for this creek).	Comment acknowledged.	No	
1.21.8	The beneficial uses designated by the basin plan (Eureka Plain HU) are not currently being met on Jacoby Creek due to historic and current land uses. Sedimentation and increased flooding are the reasons why agricultural irrigation, domestic water supplies, salmonid fisheries, rare and endangered species habitat, shellfish production, and estuary habitat are being adversely affected.	This water body is proposed for listing.	No	
1.21.9	Jacoby Creek is part of the Humboldt Bay National Wildlife Refuge ecosystem, and due to the degradation occurring in Jacoby Creek, the Humboldt Bay National Wildlife Refuge is suffering a loss of habitat as well.	Comment acknowledged.	No	
1.21.10	Two other tributaries to Humboldt Bay (Freshwater Creek and the Elk River) are on the 303(d) list and we urge that Jacoby Creek be placed on there as well.	Please refer to the response to comment 1.21.8.	No	
1.21.11	No signs of improvement and as a result of the sedimentation and biological and property values are being significantly diminished in Jacoby Creek.	Comment acknowledged.	No	
1.21.12	In order to protect the beneficial uses of our creek and restore its water quality Jacoby Creek should be listed.	Please refer to the response to comment 1.21.8.	No	
1.22.1	Redwood Creek should be removed from the 303(d) list.	Please refer to the response to comment 1.1.5.	No	
1.22.2	Given the visual condition of Redwood Creek and the impressive data that's been collected in recent years, this constitutes a healthy stream,	Please refer to the response to comment 1.1.5.	No	
1.22.3	If Redwood Creek does not qualify as "healthy", someone needs to explain to these landowners (who's support and cooperation you require) and the public what that standard looks like.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.23.1	Information provided will give you and your staff evidence to support the delisting of the Mattole Watershed.	The Mattloe River is already listed. The RWQCB reports that this TMDL is underway. There will be a period of time for public comment and review of the Mattole River TMDL. A fact sheet for the Mattole River has been prepared for the Staff report that summarizes the reasons, data, and information used to list this waterbody.	Yes	Volume II, Region 1
1.23.2	Current regulations are more than adequate for the continued recovery of the Mattole Watershed and that additional TMDL regulation will weaken links of cooperation and trust between landowners, restoration groups and agency personnel working in the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.23.3	It is the landowners' responsibility to maintain their lands and prevent degradation.	Comment acknowledged.	No	
1.23.4	The Mattole Watershed is one of the worst waters of the state, thus requiring additional regulation.	Comment acknowledged.	No	
1.23.5	Fish populations are rising in the Mattole Watershed. This proves that the Mattole Watershed is supporting the habitat and beneficial uses.	Please refer to the response to comment 1.23.1.	No	
1.23.6	The pictures and Synthesis Report that have been provided are evidence of the health and vigor of the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.23.7	A committee should be appointed to review the status of the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.24.1	The commenter strongly oppose the listing of the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.24.2	The TMDL model has not taken normal erosion (sediment) into proper account.	Please refer to the response to comment 1.23.1.	No	
1.24.3	To assign landowners total daily loads for the land would be impossible without an accurate measure of the natural base load in the Mattole Watershed.	Comment acknowledged.	No	
1.24.4	Base loads have never been calculated and would be almost meaningless in the Mattole Watershed with such dramatic natural events.	Please refer to the response to comment 1.23.1.	No	
1.24.5	Establishing arbitrary TMDLs on the Mattole Watershed would serve no science-based purpose.	Please refer to the response to comment 1.23.1.	No	

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1.24.6	The Mattole River is in great shape and has healed itself very well from the landslides and floods that occur in the watershed.	Please refer to the response to comment 1.23.1.	No	
1.24.7	It is important to recognize the significant conflict of interest that exists within the effort to get the Mattole Watershed on the 303(d) list. The TMDL backers make their livings on "stream restoration" projects. An additional layer of regulation (from the listing of the Mattole Watershed) would result in more surveys, more proposals and more litigation.	The Mattole River is already listed. Please refer to the Response to comment 1.23.1.	No	
1.24.8	The biggest threat to the Mattole River is loss of summer-time flow. This is the defining factor of the habitat. Development results in that loss of flow as newcomers tap into the water supply.	Comment acknowledged.	No	
1.25.1	A longtime resident has seen the Mattole and Eel River recovery from previous poor land management practices. Additionally, the commenter has improved the conditions on his land (in many cases is working to control erosion).	Comment acknowledged.	No	
1.25.2	The TMDL program is not needed and would be undesirable in this region as recovery from prior abuse is taking place and is continuing at an increased rate as the vegetation recovers with time.	Please refer to the response to comment 1.23.1.	No	
1.25.3	The TMDL concept in the Mattole and Eel Rivers and Dobins Creek would have been relevant and timely 40 years ago, but it is unnecessary now.	Comment acknowledged.	No	
1.26.1	The commenter is against the Mattole Watershed being on the 303(d) list.	Please refer to the response to comment 1.23.1.	No	
1.26.2	The Mattole Watershed is doing just fine on its own. The habitat is in good shape.	Please refer to the response to comment 1.23.1.	No	
1.26.3	There are many other areas in Humboldt County that would benefit from being on the 303(d) list but the Mattole Watershed is not one of them.	The Mattloe River is already listed. Please refer to the response to comment 1.23.1.	No	
1.26.4	In the Mattole Watershed, another layer of regulation will cause landowners to subdivide their properties which will result in more development and more watershed degradation.	Comment acknowledged.	No	

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1.26.5	The cost to taxpayers and the landowners in the Mattole Watershed will outweigh any benefits that may come from a TMDL.	Comment acknowledged.	No	
1.26.6	Much of the drive to list the Mattole Watershed is coming from a self-serving few who earn their living from grants and restoration projects.	Comment acknowledged.	No	
1.27.1	The commenter is against the listing of the Mattole Watershed.	Comment acknowledged. Please refer to the response to comment 1.23.	No	
1.27.2	Another layer of regulation and undue burden on the landowners in the Mattole Watershed.	Comment acknowledged. Please refer to the response to comment 1.23.1.	No	
1.27.3	In regards to the Mattole Watershed, it is inappropriate for the taxpayer to pay for this regulation that is not necessary.	Comment acknowledged. Please refer to the response to comment 1.11.4, 1.11.5, and 1.23.1.	No	
1.27.4	The Mattole River is in pristine condition.	Please refer to the response to comment 1.11.4, and 1.23.1.	No	
1.28.1	The commenter is against the listing of the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.28.2	The sediment load of the Mattole River has not changed in 50 years.	Please refer to the response to comment 1.11.5 , 1.11.4 and 1.23.1.	No	
1.28.3	The temperature of the Mattole River has not changed in 50 years.	Please refer to the response to comment 1.23.1.	No	
1.28.4	Funding would be better spent on dredging the estuary each year than wasted on so-called studies in the Mattole Watershed.	Please refer to the response to comment 1.23.1.	No	
1.29.1	New regulations will hurt this Mattole Watershed more than they will help it.	Please refer to the response to comment 1.23.1.	No	
1.29.2	Regulation will result in more development, which will cause more damage to the Mattole Watershed.	Please refer to the response to comment 1.11.5 and 1.23.1.	No	
1.29.3	The Mattole Watershed is healing itself, and this (along with management practices already in place) should be allowed to continue without the interference of more regulation.	Please refer to the response to comment 1.11.4 and 1.23.1.	No	
1.29.4	Taxpayer money should not be spent on a TMDL for the Mattole Watershed where it is not needed.	Please refer to the responses to comment 1.11.4 and 1.23.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.30.1	It is unclear how sediment/erosion, which is natural, can be put into the same category as factory pollution.	In this case, sediment comes from a non-point source. Factory discharges are typically point source pollutants. They are not in the same category. Please refer to the response to comment 1.11.5.	No	
1.30.2	Does this mean that I would need a permit for the ranching that I been involved with for all 81 years of my life, and I would have to keep the banks of the river from eroding? This makes no sense.	Please contact the RWQCB with any questions you may have regarding permits. Please refer to the response to comment 1.11.5 and 1.11.4 and 1.23.1.	No	
1.31.1	It is unclear how sediment/erosion, which is natural, can be put into the same category as factory pollution.	Please refer to the response to comment 1.31.1.	No	
1.31.2	How is sediment, which is natural, now considered unnatural and a pollutant? Why has it been changed from a Nonpoint Source to a Point Source?	Sediment is considered a non-point source pollutant. Please refer to the response to comment 1.31.1.	No	
1.31.3	Would landowners who border the river be considered waste dischargers and require permits for a natural phenomenon?	Please contact the RWQCB with any questions you may have regarding permits. Please refer to the response to comment 1.11.5 and 1.11.4.	No	
1.31.4	Rivers on the Northwest Coast are very healthy. They have been maintained well by the ranchers and others.	Comment acknowledged.	No	
1.32.1	The RWQCB staff inappropriately used a temperature threshold (Sullivan et al., 2000), which is not applicable to Northern California streams and resulted in the incorrect listing of many water bodies.	Please refer to the response to comment 1.1.1.	No	
1.32.2	Support the Watch Listing for temperature for the Ten Mile river and other watersheds.	Comment acknowledged.	No	
1.32.3	Concerned that the RWQCB staff's decisions were based on studies conducted outside California and on incomplete data sets.	Please refer to the response to comment 1.1.1.	No	
1.32.4	More temperature and sediment data have been provided for the Big, Ten Mile and Noyo Rivers.	Please refer to the response to comment 1.32.2.	No	
1.33.1	Data collected by Watershed Watch for 2001/2002 for Beith, Grotzman and Jacoby Creeks were submitted.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.34.1	Concern is raised about regulations that resulted from continued, unjustified listing of North Coast streams that limit the use of private lands and result in drastic increases in costs to their timber and range operations.	Comment acknowledged.	No	
1.34.2	The information used to list the water bodies found that often only limited and sometimes anecdotal information was used to support the listings.	The RWQCB and SWRCB used all readily available and existing information and data in the record to determine their recommendations for listing water bodies on the 2002 303(d) List.	No	
1.34.3	Old listings were not reevaluated using factual evidence to support the continued listing of the water body.	Please refer to the response to comment G.11.12.	No	
1.34.4	New regulations and the TMDL will place additional burden and costs on landowners who wish to use their land.	Comment acknowledged.	No	
1.34.5	There was no factual evidence used to support the listing of Redwood Creek.	Factual and existing information and data were used to support the continued listing of Redwood Creek. A fact sheet for Redwood Creek has been prepared that summarizes the reasons, data, and information used to list this waterbody. Please refer to the response to comment 1.1.5.	No	
1.34.6	There is a wealth of new data collected by interested landowners and companies that indicates that the Redwood Creek listing is not appropriate.	This data was reviewed. Please refer to the response to comment 1.1.5, and 1.34.5.	No	
1.34.7	Redwood Creek should be delisted.	Redwood Creek should remain on the 303(d) List. Please refer to the response to comment 1.1.5, and 1.34.5.	No	
1.35.1	The final Mattole Synthesis Report, due in July from DFG should be entered into the administrative record for the 303(d) list.	Comment acknowledged.	No	
1.101.1	Support the 303(d) listing process so long as those listings are made with adequate data and with water quality objectives that have been legally adopted and some of our issues go towards that fact.	Comment acknowledged.	No	
1.101.2	Support the SWRCB's decision to put the Russian River and it's tributaries on the Watch List for temperature. The Sonoma County Water agency is providing funding to the RWQCB to develop appropriate criteria for temperature. Until the criteria is develop, the Watch List recommendation is justified.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.101.3	Agree with the Healdsburg Memorial Beach listing for pathogens.	Comment acknowledged.	No	
1.101.4	Recommend that instead of Russian River segment be put on the 303(d) list for pathogens, that the Monte Rio Beach segment be put on the 303(d) list, or as alternative, that stretch be put on the Watch List until adequate data can be collected from that reach of the Russian River and its tributaries.	Please refer to the response to comment 1.9.6.	No	
1.101.5	The Watch List and the 303(d) proposed listing includes issue regarding dissolved oxygen issuance, diazinon and some metals. "We would like to say that the agency is supporting by funding Basin Plan amendments for the Regional Board to come up with appropriate criteria to be used. Until that criteria is developed, the agency supports either a Watch Listing or no listing at all when data is not available".	Comment acknowledged.	No	
1.102.1	Concerned that some of the proposed 303(d) and watch listings may have the effect of diverted limited water quality protection resources away from real water quality issues.	Comment acknowledged.	No	
1.103.1	Concerned with the listings of Laguna de Santa Rosa for nutrients and dissolved oxygen. Nutrients in the Laguna refers to nitrogen and phosphorous, controlling nutrients in the growth of algae. It seems to us that there has not been a relationship made between the phosphorous that is in Laguna, algae growth and dissolved oxygen. The nitrogen phosphorous ratio in the summertime is very low, approaching one, indicating nitrogen limitation, not phosphorous and it's also not in the phosphorous limitation range. Disagree with the RWQCB's justification for listing phosphorous, there is already a USEPA criterion for phosphorous. If there is a 303(d) listing for phosphorous or nutrients as is currently proposed, then that implies that a TMDL and a reduction of phosphorous would not have an impact on the dissolved oxygen concentration which is the ultimate concern for Laguna de Santa Rosa.	Please refer to the response to comment 1.2.7.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.103.2	Disagree with placing Santa Rosa Creek on a Watch List for copper based on the staff report "concentrations in streams sediments may be elevated downstream of reference sites in both Laguna and Santa Rosa Creeks." There is not a copper concentration difference between reference stations and downstream stations. Actually, the copper concentration in water samples were less than applicable standards. Adequate data or regulatory programs in place to control the pollutant is available. There is not a need for the listing.	Please refer to the response to comment 1.17.2.	Yes	VII, R1
1.103.3	Do not Watch List Santa Rosa Creek for diazinon. The listing was based on a report from the Department of Pesticide Regulations where 2 of 52 samples taken from the Russian River were detectable, one of which was at a concentration to be considered harmful to aquatic life. However, the five samples that were collected from Santa Rosa Creek were nondetects for diazinon. In addition, there are two programs in place to assure that copper will not be detected; 1) an Integrated Pest Management Program by the city and 2) diazinon is being phased out.	Please refer to the response to comment 1.2.6.	Yes	VII, R1
1.104.1	Although, the commenter agrees with the listing of Monte Rio and Healdsburg Beaches for pathogens is inadequate, there are about 10-12 beaches between Healdsburg and Duncans Mill (which is 6 miles from the mouth of the Russian River) where data justifies additional listings. The bacteriological data is very inconsistent. There are no consistently high readings that would justify singling out Monte Rio Creek. Also, there is an important need to differentiate between human coliform and animal coliform.	Please refer to the responses to comments 1.9.6 and 1.7.2.	No	
1.104.2	Recommend listing the Russian River for temperature. There has been an enormous amount of data to support the listing. A report has been submitted to the Board from consultant addressing this problem. The report states that temperatures are frequently high in the period of the outmigration in April and May, which can be stressful for salmon and the threatened species.	Please refer to the response to comment 1.3.1 and 1.1.1.	Yes	Volume II, Region 1
1.104.3	In regards to the listing of Santa Rosa Creek for phosphorous impacts, the scientists report that there was not a phosphorus problem. However, in the summertime it is evident that the lagoon is in serious trouble, because you can see the nutrient pollution.	Please refer to the response to comment 1.2.7.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.104.4	In regards to copper concentration in Laguna de Rosa and Santa Rosa Creek, it is my understanding that the city measures hardness of the water to affects the copper reading in such a way that it shows lower impacts of copper on their wastewater. I think that needs to be look at very carefully if you are considering not listing the copper.	Please refer to the response to comment 1.2.1.	Yes	VII, R1
1.105.1	The data set for the Russian River as well as the North Coast Rivers is sufficiently robust to include their placement on the 303(d) list and not the Watch List.	Please refer to response to comment 1.3.1.	Yes	Volume II, Region I
1.105.2	Concerned about the watch list because it is not a defined concept and how it will be used. In this case, the watch list seems to be used as a place to put these particular water bodies away from the 303(d) list, so they won't be actively examined until at least the next listing cycle.	Please refer to the response to comment G.10.1 and G.10.2.	No	
1.106.1	Delist the Mattole River. Disagree with the 1998 303(d) listing of the Mattole River for sedimentation and temperature. The recommendation for a TMDL was based on inaccurate and incomplete information gathered from the North Coast Watershed Assessment Program. Fish and Game have conducted fish survey for the past 9 years and the results from these surveys show that the fish population are very health. However at the same time we are cited for temperature impacts.	Please refer to the response to comment 1.11.4, 1.11.5, and 1.23.1.	No	
1.107.1	Delist the Mattole River for sedimentation and temperature. Most of the heavy flow of sediments in the watersheds are from naturally caused sources such as floods and earthquakes. Very little, if anything can be done to improve remedy or control the problem. The subdivisions accompanied with roads, septic system, water use, home site preparation are the worst unnatural polluters of this rugged watershed. A TMDL would cause a cessation of logging, which would devastated the ranchers. We already have strict laws for logging.	Please refer to the responses to comments 1.11.4, and 1.11.5 and 1.23.1.	No	
1.108.1	The Mattole River be listed for sedimentation and temperature. There is more recent information and there was flaws in the information when it was listed 1998.	Please refer to the responses to comments 1.11.4, 1.11.5 and 1.23.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.109.1	The condition of the Mattole Watershed has improve with last 20 years. There are big boulders and pools for fish to survive and there is also riparian areas. So, let nature take it's course and not impose projects to improve the condition of the watershed.	Please refer to the responses to comments 1.11.4, 1.11.5 and 1.23.1.	No	
1.110.1	Recommend adding the Gaulala River to the 303(d) list for temperature effects. The RWQCB staff and public comment has provided more than adequate proof, linked to the best available science, to support a temperature listing on the Gualala River. The Gaulala is face with future impacts from extensive vineyard development. Stream restorations will fail unless supported by the regulatory framework that protects basic biological requirements such as cool water temperature.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.111.1	There is sufficient information available to support the 303(d) listing of Gualala River for temperature impacts. There are many factors that contribute to the increase of water temperatures these are clear cutting, loss of riparian temperature, and the riparian is the determinant of the climate zone in the near streams. Other rivers that have increasing temperatures are the Big River, Russian River, Ten Mile River, Mad River and Redwood Creek.	Please refer to the response to comment 1.3.1 and 1.1.1.	Yes	Volume II, Region 1
1.112.1	Recommend adding Gualala River on the 303(d) for temperature. Several application have been submitted for the conversions from conifer forest, traditional conifer forest to vineyards. Without the conifer forests and the development of vineyard, it could lead to impacts on water quality and quantity.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.112.2	The CDF should be held for more accountable for protecting water quality and Gualala Watershed. According to my THP review, CDF are not doing their part to protect water quality in watershed.	Comment acknowledged.	No	
1.112.3	If the watch list is being used as a cost saving measure; one possibility is a more programmatic approach trying an economy of scale and during the collection and the analysis of data in these North Coast rivers perhaps apply the same process to everyone and to expedite their listing for temperature where it is appropriate.	Please refer to the response to comment G.10.1 and G.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.113.1	Measurable objectives and timelines are needed for the Watch List. In addition, what criterion would be used to initiate a monitoring program to focus on the collection of data for those rivers on the Watch List, where there is inadequate data for listing?	Please refer to the response to comments G.10.1.	Yes	Volume I, Methodology for developing the list
1.113.2	What criteria are used for a water body to meet the needs of a TMDL? For the North Coast river, some of the rivers that are being proposed for temperature listing are already sediment impaired. The major uses are industrial, forestry and urban roads that contribute to the sedimentation issue.	The North Coast rivers being proposed for temperature listing will be listed on the 303(d) List. Please refer to the response to comment 1.1.1 and 1.3.1.	Yes	Volume II, Region 1
1.113.3	There is more than adequate data to list the six rivers for temperature that are being proposed.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.113.4	In the North Coast Rivers, the Department of Forestry consistently overlooks concerns and nonconcurrences by RWQCB and Fish and Game on the timber harvest plans. It may be a matter of concern if CDF's program was considered adequate to protect the beneficial uses when it hasn't been.	Please refer to the response to comment 1.3.1.	Yes	
1.114.1	Recommend Redwood Creek be removed from the 303(d) list for sediment impacts. A substantial amount of evidence that was submitted shows clear and compelling evidence that the condition of Redwood Creek meet or exceeds the water quality standards.	Please refer to the response to comment 1.1.5.	No	
1.114.2	Concerned about the weight of evidence in samples that the staff took in consideration with sedimentation impacts. A metric was developed called V-star that used to measure sediment dynamics in rivers. The RWQCB staff cites literature from the geologic type found in Redwood Creek called the Franciscan formation. Based upon measurement of 60 streams, that V-star level of 0.21 or less represented good stream condition. RWQCB however found some other literature of measurements in one stream the Franciscan formation where the V-star was measured at 0.09, and decided that they should average 0.09 with 0.21. Giving one sample the sample weight as 60 samples seem incorrect. This is an example of the kind of criteria that is developed, the thresholds of concern that the RWQCB set up, the cast majority of those are set at levels below that cited in the literature.	Please refer to the response to comment 1.1.5 and 1.1.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.114.3	When reviewing comments, keep in mind the motivation of your staff (RWQCBs and SWRCB) behind their recommendations. Clearly, the more water bodies listed, the more work that must be performed, the more staff that is needed to accomplish it. It gives staff a greater influence on land management decisions within their jurisdiction. Listing under 303(d) is affecting a major shift in government land management regulation from those agencies specifically established for that purpose by the Legislature to the water agencies. The Legislature did not intend that result when they created this agency.	Comment acknowledged.	No	
1.114.4	Recommending that Redwood Creek not to be on the Watch List for temperature. When recommending thresholds adopted for temperature, you need to consider that the information used to determine those thresholds are generated from literature coming from more northern latitudes in British Columbia, Washington and Oregon, where quite inherently by the latitude of those location one would expect cooler temperatures.	Please refer to the response to comment 1.1.1 and 1.3.1.	No	
1.114.5	Sediment is a natural and essential component of the river system. It's oxymoronic to classify sediment as a pollutant. Both too much and too little sediment can affect fish survival. To conclude that sediment conditions well within to range (too little and too much) of natural conditions is adverse to fish is simply wrong.	Sediment is considered a non-point source pollutant. Please refer to the response to comments 1.1.2 and 1.11.5 for more information.	No	
1.115.1	Support the Board's placement on the Watch List of Redwood Creek as being temperature impaired or as an alternatively not on any list at all. In some of the literature for developing temperature criteria, the groundwater temperatures were approximately 9.3, 3.0 degrees centigrade, in other words, cooler. The groundwater temperature in Redwood Creek area, the Mad River area, exceed approximately 13 degrees. So, the issue of latitude is very important. Need to take into consideration when you are talking about temperature listing, that Region 1 is north and south narrow region, encompassing a wide range. Therefore, a discussion need to take place to consider that distinction in temperature listings.	Please refer to the response to comments 1.1.1 and 1.3.1.	Yes	Volume II, Region 1

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.115.2	Several years of fish trapping by Fish and Game and the commenter, exhibited that data (numbers of fish) are consistent with the first and second year, as well as this year's data. This data appears to disagree with some of arguments regarding the parameters for listing.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.115.3	The area of Redwood Creek that is above the park off the list for sediment impairment. Our association, Redwood Creek or Redwood National State Park are currently addressing potential sediment sources. Believe that the cyclical sedimentation patterns in Redwood Creek are governed by local geology, tectonics, and climate events, tectonic and climate that normally shift ver quickly. Most sediment is deposited during rare dramatic ecological events and transported by continual flows. The sediment levels in Redwood Creek have nearly returned to levels that preceded the '50s - '75, that 25 year flooding period. This is a problem in the estuary.	Please refer to the response to comments 1.1.5, 1.1.2, and 1.11.5.	No	
1.115.4	In the staff document, the Redwood Creek listing for temperature impairment listing, it references that there's insufficient information to list MWATs and so-called values for the Ten Mile River which is included in the Redwood Creek plot. There seems to be either a type error or some information is in the wrong spot. I think that it should say, "the values for Redwood Creek as opposed to the Ten Mile River," because each of the other rivers have their own designation.	Please refer to the response to comments 1.1.1 and 1.3.1.	Yes	VII, R1
1.116.1	The TMDL process is really important to getting a multidisciplinary look at recovery and protecting beneficial uses of water. There needs to be adequate funding, personal consultation and material help to enable these watercourses to be delisted and also help enable landowners to cope the needs to recover beneficial uses.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.116.2	There are a number of impediments that need to be address during TMDL development. TMDL is basically a significant part of cumulative watershed effects process. An among the impediments, which relates to this process, information and knowledge impediments, absence monitoring of habitats, population and water quality, inadequate technical expertise and lack scientific knowledge. Among the economic and social impediments are inadequate funding, time, adversarial relationship between industry and scientists and you can extrapolate between landowners and agencies. In respect to the Mattole residents, the edge of the Mattole should not be delisted. However, I think that this process could bring people together and be a positive experience to all involved, if there is enough resources to actually deal with the problem.	Please refer to the response to comment 1.11.4.	No	
1.116.3	Support Watch Listing of Usal Creek for sediments. It qualifies as sediment impaired.	Comment acknowledged.	No	
1.117.1	Input is not really getting to the Board members, even at the Regional level. What can we do to get the our concerns to the Board Members?	Please refer to the response to comment 1.14.1.	No	
1.117.2	The Watch List is a possible tool to put some of these things that are not significant problems (areas) on a list and review them to do the right thing and this can be done by getting some additional good data.	Comment acknowledged. Please refer to the response to the comment G.10.1.	No	
1.117.3	Concern whether or not all of our information on Redwood Creek was received by the SWRCB staff. Concern since there was 5-9 file boxes send to the RWQCB, they did not have time to review so they could not consider it. The original listing of Redwood Creek was in '92. The listing was based on two reports stated that it was listed because of professional opinion and judgment and it did not cite specific facts. In one of the articles "American Fishery Society," the condition of streams and Redwood Creek wasn't even mentioned. That was the basis of listing streams for impairment and that is not right.	Please refer to the response to comment 1.1.5 and 1.34.5.	No	
1.118.1	Support some of the comments made by Clean Water Action and Ocean Conservancy regarding the Watch List and some of the other issues they brought up.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.118.2	<p>Sympathize with and recognize the overburdensome nature of regulation requirements. However, the matter is that we have both temperature and sediment impairments. Those water temperatures hit the high 70s every year and there is an abundance of information on this fact.</p> <p>There are fish there, but numbers of fish are not the ultimate measure. We have species that are not there. So if we have half a million of one species and zero of another, we have a problem.</p> <p>In diving to investigate the fish population, you see very few species, and some of them are relatively abundant.</p> <p>In Redwood Creek that had chum salmon and coho salmon, they have been documented five years in a row in the '90s and they are not getting any in the downstream migrant traps in that area, that had summer steelhead. Basically, 90 to 95 percent of the steelhead I find are directly related to what few cold water sources we have left. Coho salmon are not in the upper part of the watershed anymore because they do not tolerate those temperatures. So, temperature and sediment impairments the issue.</p> <p>The commenter is concerned about when these rivers and water bodies are put on the lists, we do it based on biology. And where the landowners' concerns come into play is how do we address that. What we need to have is arguments where we are making the decisions is the facts... yes, we have high water temperatures.</p>	Please refer to the response to comment 1.3.1, 1.1.1, 1.1.2, and 1.11.5.	Yes	Volume II, Region 1
1.118.3	We have to base TMDLs on biological merit and work hard to resolve the problems. Then how do we implement the plan and how do we do it without putting everyone out of business in an effort to do the right thing. How do we deal with priorities and with what is really going to impact the river as far as temperature, sediment, other pollutants and how that is going to impact the fish.	Please refer to the response to comment 1.3.1 and 1.1.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
1.119.1	Recommend list the six North Coast river for sediment and temperature impairments. There is an issue that arises when dealing with pool depth. It is a factor for temperature, but it is caused by sediment. And to deal with a TMDL for sediment at this point on these six rivers, but to put off for two or four years the TMDL for temperature is a mistake. The rivers should be dealt with in combination of these things.	Please refer to the response to comment 1.3.1.	Yes	Volume II, Region 1
1.119.2	Support the comments of NMFS and Clean Water Action of San Francisco. I think it is a gross mistake to have a Watch List. We will end up with a very long Watch List and very few number of items on the TMDL list. We need a decision, either the water bodies is impaired or it's not. Encourage the SWRCB to exercise oversight and to put those six rivers back on the TMDL list.	Please refer to the responses to comments G.10.1.	No	
2.1.1	The commenter strongly supports the RWQCB staff recommendation for de-listing copper in the Lower South San Francisco Bay (LSB), south of the Dumbarton Bridge.	<p>The SWRCB staff agrees with the proposal to delist the Lower South San Francisco Bay (LSB), south of the Dumbarton Bridge, for copper as well as the other segments of San Francisco Bay recommended de-listing for copper.</p> <p>The RWQCB adopted a site-specific objective for copper in the San Francisco Bay May, 2002. The modified rationale, based on water effect ratio (WER) information, shows that copper levels are below applicable thresholds of impairment in all bay segments north of the Dumbarton Bridge, including the mouth of the Petaluma River and in the LSB south of the Dumbarton Bridge. Available water effect ratio (WER) data support the RWQCB recommendation to de-list copper. Available ambient dissolved copper concentrations in the estuary never exceed the most conservative WER-based objectives. For example, out of 50 WERs recently generated based on USEPA guidance if the lowest 5th percentile WER of 1.7 were used, the CTR marine chronic objective for dissolved copper would be 5.3 ug/l, which has not been exceeded in 466 samples in the San Francisco Estuary since the Regional Monitoring Program began in 1993. A site-specific objective for copper based on WERs does not have to be adopted in the Basin Plan before the State Board can de-list based on the available information and the CTR at 40 CFR 131.38 (b)(1), footnote i, and (c)(4)(i) and (iii).</p>	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.1.2	Requests that the SWRCB review the information previously submitted and summarized in this letter and modify the SWRCB staff report to recommend de-listing the LSB for copper.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.1.3	The Impairment Assessment Report (IAR) was included in the record as part of the RWQCB Nov. 2001 de-listing recommendation to SWRCB. It concluded that the impairment of the LSB due to copper or nickel is unlikely. It also recommended that a site-specific objective (SSO) be established for copper and nickel.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.1.4	The WER information provides two related lines of evidence that support a copper de-listing action. Dissolved copper levels are consistently below the proposed 6.9 ug/l SSO. The WER shows that the ambient copper levels are below applicable thresholds.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.1.5	Supports de-listing for copper and nickel. Supports Site Specific Objectives and de-listing in the Lower San Francisco Bay was predicated in part on preparation and implementation by involved parties of copper and nickel action plans. These plans include measures to help ambient copper and nickel concentrations remain at acceptable levels.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.1.6	Believes that substantial weight of evidence exists supporting the de-listing of copper and nickel in the Lower South San Francisco Bay.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.2.1	All the Bay Protection sites that the SWRCB has chosen to place on the Watch List are for sediment toxicity (not just toxicity, as was indicated in the Watch List for sites originally recommended for the Watch List).	After reviewing the basis for this recommendation it became apparent that sediment toxicity is associated with several pollutants at concentrations that contribute to or cause the sediment toxicity. These sites have, therefore, been moved to the proposed section 303(d) list because water quality standards are not met.	Yes	Volume II, Region 2
2.2.2	Redwood Creek, tidal portion should be listed on the Watch List for high coliform count, not E. coli. The term High coliform count should be used instead of specific indicators, or "pathogens".	The language in the document will reflect the original recommendation.	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.2.3	Copper should be de-listed from the South San Francisco Bay. This recommendation should be supported by the SWRCB, because of the Water Effects Ratio (WER) information and the adopted Site-Specific Objective for copper in this area. Data and information support the fact that copper levels are not exceeding the threshold levels and copper should be delisted and placed on the watch list for South San Francisco Bay. SWRCB reconsider it's preliminary decision to maintain this listing and de-list.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.3.1	The commenter strongly supports the RWQCB staff recommendation for de-listing copper in the Lower South San Francisco Bay (LSB), south of the Dumbarton Bridge.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.3.2	The SWRCB should review the information previously submitted and summarized in this letter and modify the SWRCB staff report to recommend delisting the Lower South San Francisco Bay for copper.	Please refer to the response to comment 2.1.1	Yes	Volume II, Region 2
2.3.3	The IAR concluded that the impairment of the Lower South San Francisco Bay due to copper or nickel is unlikely. It also recommended that a site-specific objective (SSO) be established for copper and nickel. The IAR recommended a copper SSO in the range of 5.5 to 11.6 ug/L dissolved copper and nickel, based on WER testing information.	Please refer to the response to comment 2.1.1	Yes	Volume II, Region 2
2.3.4	The WER information provides two related lines of evidence that support a copper de-listing action. Dissolved copper levels are consistently below the proposed 6.9 ug/l SSO. The WER shows that the ambient copper levels are below applicable thresholds of impairment.	Please refer to the response to comment 2.1.1	Yes	Volume II, Region 2
2.3.5	There exists substantial weight of evidence supporting delisting copper and nickel in the Lower South San Francisco Bay(LSB). The SWRCB staff should take all of these available evidence into account and support copper delisting in the LSB.	Please refer to the response to comment 2.1.1	Yes	Volume II, Region 2
2.4.1	The basis for listing Baker Beach was questioned because of the minor impacts of the discharges.	We concur with S.F. PUC's comments that the source for Baker Beach/High Coliform Count has been incorrectly identified as Combined Sewer Overflows (CSO).	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.4.2	Basis for listing this China Beach was questioned because of the minor impacts of the discharges.	<p>There are conflicts between the listing rationale and the CSO permit for San Francisco's Oceanside POTW. The NRDC report that was used mis-represents posted warnings as beach closures. The NPDES permit for Oceanside requires that the beach be posted with warnings when a CSO event occurs, and the design frequency is 8 times per year.</p> <p>It is recommend that all beach closure-related listings for San Francisco Bay beaches be removed from the proposed section 303(d) list. These recommendations were based on faulty data. Review of the SWRCB's beach advisory data shows that these beaches should not be listed because no beach closures have been reported at San Francisco beaches from 1998-2002.</p> <p>Beaches that are recommended to be removed from the proposed 303(d) list include:</p> <p>China Beach/Beach Closures Ocean Beach/Beach Closures Fort Funston Beach/Beach Closures</p> <p>A review of the available information on San Mateo County beaches shows that the RWQCB recommendations to list San Mateo County beaches were recommended in error. All of the information in the NRDC report was based on State Board's year 2000 beach precautionary postings and not any actual closures. We recommend removing five San Mateo County beaches from the proposed 303(d) List which include:</p> <p>Pacific Ocean at Pacifica State Beach Pacific Ocean at Pillar Point Beach Pacific Ocean at Fitzgerald Marine Reserve Pacific Ocean at Sharp Park Beach Pacific Ocean at Surfer's Beach</p> <p>SWRCB staff propose that all eight of these beach closure recommendations be removed from the 2002 303(d) list. The RWQCB staff also recommend not to list.</p>	Yes	Volume II, Region 2
2.4.3	The basis for listing this Ocean Beach was questioned because of the minor impacts of the discharges.	Please refer to the response to comment 2.4.2.	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.4.4	Basis for listing this Fort Funston Beach was questioned because of the minor impacts of the discharges.	Please refer to the response to 2.4.2.	Yes	Volume II, Region 2
2.4.5	Monitoring the beaches three times weekly year round for coliform bacteria. Water contact recreational criteria for bacteria are nearly exceeded.	Please refer to the response to comment 2.4.2.	No	Volume II, Region 2
2.4.6	It is the city's position that the four proposed shoreline additions to the 303(d) list and the two sites proposed for Watch List do not conform to either EPA's or the State's guidance for the 303(d) List, because an alternative regulatory program exists to address these discharges.	Please refer to the response to comments 2.4.1 and 2.4.2.	No	
2.4.7	The Combined Sewer Overflow (CSO) Control Policy provides a comprehensive regulatory framework for addressing treated discharges from the CSO systems. Applying the 303(d) List to these water bodies will undermine EPA's nationwide efforts to establish the CSO Control Policy.	Please refer to the response to comment 2.4.1.	No	
2.4.8	Mission creek is proposed for the Watch List , it is a sediment site, and the BPTCP Program provides a more direct and regulatory approach than putting on the Watch List.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume II, Region 2
2.4.9	Islais Creek is proposed for the Watch List , it is a sediment site, and the BPTCP Program provides a more direct and regulatory approach than putting on the Watch List.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume II, Region 2
2.4.10	Two of the four proposed beach location are impacted by only San Francisco's discharges. The NPDES permits seem to be adequate instead of a TMDL to address these discharges.	Please refer to the responses to comments 2.4.1 and 2.4.2.	No	
2.5.1	Supports the de-listing copper in the Lower South San Francisco Bay (LSB), south of the Dumbarton Bridge.	Please refer to the response to comment 2.1.1.	No	
2.5.2	The SWRCB review the information previously submitted and summarized in this letter and modify the SWRCB staff report to recommend de-listing the LSB for copper.	Please refer to the response to comment 2.1.1.	No	
2.5.3	The IAR concluded that the impairment of the LSB due to copper or nickel is unlikely. It also recommended that a site-specific objective should be established for copper and nickel.	Please refer to the response to comment 2.1.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.5.4	There exists substantial weight of evidence supporting delisting copper and nickel in the Lower South San Francisco Bay (LSB). The SWRCB staff should take all of this available evidence into account and support copper delisting in the LSB.	Please refer to the response to comment 2.1.1.	No	
2.6.1	Concern that the List as proposed inappropriately relegates several highly polluted water bodies in San Francisco to a Watch List, which at this point has no legal or regulatory significance.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume II, Region 2
2.6.2	Islais Creek, a known toxic hot spot in San Francisco, was removed from the proposed list. Not only was this decision made in the face of substantial evidence, it was done without engaging the community. This community is overwhelmingly comprised of people of color for whom this creek is one of many environmental injustices faced on a daily basis.	<p>Islais Creek and Mission Creek are now proposed to be placed on the section 303(d) list because water quality standards are not met and the Consolidated Toxic Hot Spots Cleanup Plan is not currently being implemented. If this plan is implemented in the future these sites would be candidates for the Alternative Programs List.</p> <p>Allegations of environmental injustice are unfounded. This 2002 303(d) listing process has been unprecedented in the amount of public input considered, extending from March 2001 to the present, and two open public processes of input and comment. The 303(d) list already contains pollutants of concern for the community for the entire San Francisco Bay, which includes Islais Creek and Yosemite Creek which are tidal, and pollutants such as PCBs and mercury that are contained in sediments near the community will be considered in overall TMDL plans to reduce contaminant levels in fish tissue. Therefore, it seems the RWQCB has the community's interests well in mind. Please also refer to the response to comment G.11.8.</p>	Yes	Volume II, Region 2
2.6.3	The RWQCB conducted studies that confirmed that the creek is highly polluted, and suffers from decades of CSO and other pollution. The SWRCB opted to exclude Mission and Islais Creeks from their Draft list.	Please refer to the response to comment 2.6.2.	Yes	Volume II, Region 2
2.6.4	The RWQCB considered the public comments and carefully made the right decision to List Mission Creek and Islais Creek. The community was disappointed when the SWRCB opted to exclude these creeks from the List and place them on the Watch List.	Please refer to the response to comments 2.6.2 and G.11.8.	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.6.5	According to the Draft report both Mission Creek and Islais Creek were "de-listed" because no specific pollutant was identified for listing and because both creeks are part of an alternative enforceable program. The SWRCB must articulate a sound reason for opposing this decision and placing them on this Watch List.	Please refer to the response to comments 2.6.2 and G.11.8.	Yes	Volume II, Region 2
2.6.6	The SWRCB decision to place water segments on the watch list because of alleged existence of other water quality programs is directly contrary to law and common sense.	Please refer to the response to comment G.11.8.	Yes	Volume I, Methodology
2.6.7	The process of listing water bodies must be divorced from the suite of management strategies available to reduce impairment in order to comply with the intent of the Clean Water Act.	Comment acknowledged.	No	
2.6.8	The SWRCB's decision to require that an explicit linkage be made between an impaired water body and the source of its pollution prior to adding it to the 303(d) List is not proper.	Please refer to the response to comment G.11.21.	No	
2.6.9	Islais Creek and Mission Creek are impaired and therefore meet the criteria for listing as envisioned by the federal Clean Water Act. Designation of a pollutant is not warranted, the water body is in fact impaired.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume I, Methodology
2.6.10	The commenter urges the SWRCB to add Islais and Mission Creeks to the 2002 303(d) List, not the Watch List.	Comment acknowledged. Please refer to the response to comment 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.6.11	Do not use the Watch List because it is unnecessary if the 303(d) List is functioning properly. The Watch List will be used as a delay tactic for warranted listings and it's not authorized under the federal Clean Water Act.	Please refer to the response to comments G.10.1.	No	
2.6.12	The existence of the BPTCP list of toxic hotspots should act as evidence that listing is warranted not the contrary.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume I, Methodology
2.7.1	Islais Creek, a known toxic hot spot in San Francisco, was removed from the proposed list. Not only was this decision made in the face of substantial evidence, it was done without engaging the community. This community is overwhelmingly comprised of people of color for whom this creek is one of many environmental injustices faced on a daily basis.	Please refer to the response to comments 2.6.2 and G.11.8 .	Yes	Volume I, Methodology

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.7.2	According to the Draft Report both Mission Creek and Islais Creek were "de-listed" because no specific pollutant was identified for listing and because both creeks are part of an alternative enforceable program. The SWRCB must articulate a sound reason for opposing this decision and placing them on this Watch List.	Please refer to the response to comment 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.7.3	The commenter support Bayview Hunter's Point Community Advocates comments submitted to the RWQCB for Islais Creek.	Please refer to the response to comment 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.7.4	The SWRCB decision to place water segments on the Watch List because of the alleged existence of other water quality programs is directly contrary to law and common sense. Section 303(d) and it's implementing regulations specifically note that states must identify waters for which effluent limitations through other regulatory programs are not stringent enough to meet water quality standards. The existence of the BPTCP list of toxic hotspots should act as evidence that listing is warranted not the contrary.	Please refer to the response to comment 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.7.5	Disagree with SWRCB's decision to require that an explicit linkage be made between an impaired Waterbody and the source of its pollution prior to adding it to the 303(d) List.	Please refer to response to comment G.11.21.	No	
2.7.6	Whether such data exist to the identify a pollutant or not, does not change the fact that Islais Creek and Mission Creek are impaired and therefore meet the criteria for listing as envisioned by the federal Clean Water Act.	Please refer to the response to comment 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.7.7	The Commenter urges the SWRCB to add Islais and Mission Creeks to the 2002 303(d) List, not the Watch List.	Please refer to the response to comments 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.7.8	The Commenter is opposed to the use of a Watch List because it is unnecessary if the 303(d) List is functioning properly. The Watch List will be used as a delay tactic for warranted listings and it's not authorized under the federal Clean Water Act.	Please refer to the response to comments G.10.1.	No	
2.7.9	The process of listing water bodies must be divorced from the suite of management strategies available to reduce impairment in order to comply with the intent of the Clean Water Act.	Comment acknowledged.	No	
2.7.10	Strongly urge the SWRCB to list Islais Creek and Mission Creek in light of the evidence and not place them on a Watch List.	Please refer to the response to comments G.11.8 and 2.6.2.	Yes	Volume I, Methodology

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.8.1	While the RWQCB has deemed selenium TMDLs low priority, the Central Valley assigned higher priority to it's selenium TMDLs. These RWQCB differing viewpoints of importance appear to indicate that regional integration of TMDL efforts needs improvement.	Please refer to the response to comment G.11.9.	No	
2.8.2	Recommend that the SWRCB assign a higher priority to the selenium TMDLs in the Bay, due to concerns of adverse affects to sensitive biological resources.	Please refer to the response to the comment G.11.9.	No	
2.8.3	Recommend that the SWRCB include Agriculture as a source of selenium inputs into Suisun Bay.	Comment acknowledged.	No	
2.8.4	SWRCB should identify the Bay/Delta water bodies in the San Francisco Bay basin as a priority for further research on the fate of selenium from known sources.	Comment acknowledged.	No	
2.9.1	Recommend that the San Francisco Bay should be added to the State's 303(d) list due to elevated levels of PBDEs, brominated organic compounds with chemical structures similar to dioxins and PCBs. The levels of the PBDEs in harbor seals in San Francisco Bay is a serious cause for concern. The fact that the concentrations are among the highest reported anywhere in the world, combined with the evidence that the concentrations are increasing logarithmically and are doubling every 1.8 years, means that it is of immediate concern.	Please refer to the response to comment 2.15.9.	No	
2.10.1	The commenter supports the establishment of a Watch List where the information and availability of data are insufficient to warrant placement on the 303(d) List or where an alternative regulatory program is in place to address water quality impairments.	Comment acknowledged.	No	
2.10.2	The commenter supports the "weight of evidence" approach to evaluate the level of beneficial use impairment or non-impairment. The 303(d) process should evaluate all existing and pertinent data to determine whether beneficial uses have been impacted. Some of the important consideration used to make that determination are; data quality: spatial and temporal representation, linkage between data measurement and beneficial use. etc.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.10.3	Supports a continuous process for evaluation and improvement to California's TMDL Program through clearly define program goal, elements and procedures. Successful implementation of the TMDL Program will require consistent statewide policy to administer the listing and de-listing process, implement the regulatory program, and direct public participation.	Comment acknowledged.	No	
2.10.4	The public participation process in the state's evolving water quality impairment area is important. Watershed management activities in the Santa Clara Basin have demonstrated the importance, and the utility, of stakeholder involvement and participation to address sometimes contentious and difficult water quality problems.	Comment acknowledged.	No	
2.10.5	South San Francisco Bay below the Dumbarton Bridge should be delisted for copper and nickel. There is more than enough sufficient technical information to support the delisting. An Action Plan, described by the RWQCB, has been implemented since October 2000 and extensive ambient monitoring has provided both a regulatory program to prevent degradation and abundant information to conclude that water quality is not impacted and beneficial uses are not impaired due to either copper or nickel.	Please refer to the response to comment 2.1.1.	Yes	
2.11.1	Support the SWRCB's efforts in developing an adequate and defensible list, however we are concerned about the List, as it inappropriately relegates several highly polluted water bodies in San Francisco to a Watch List.	Please refer to the response to comment G.11.8.	No	
2.11.2	Disagrees with the SWRCB's recommendation to place Islais Creek on the Watch List because there was no specific pollutant identified and the creek is part of an alternative enforceable program. To place water segments on a Watch List because of the alleged existence of other water quality programs is directly contrary to law and common sense. Section 303(d) and its implementing regulations specifically notes that states must identify waters for which effluent limitations through other regulatory programs are not stringent enough to meeting water quality standards. The existence of such regulatory programs as BPTCP list toxic hotspots is evidence that the listing is warranted.	Please refer to the response to comment 2.6.2.	Yes	Volume I, Methodology

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.11.3	Disagrees with the SWRCB's recommendation to place Mission Creek on the Watch List, because there was no specific pollutant identified and the creek is part of an alternative enforceable program. To place water sediment on a Watch List because of the alleged existence of other water quality programs is directly contrary to law and common sense. Section 303(d) and its implementing regulations specifically notes that states must identify waters for which effluent limitations through other regulatory programs are not stringent enough to meeting water quality standards. The existence of such regulatory programs as BPTCP list toxic hotspots is evidence that the listing is warranted.	Please refer to the response to comment 2.6.2.	Yes	Volume I, Methodology
2.11.4	Disagrees with the SWRCB's recommendation to require that an explicit linkage be made between an impaired water body and the source of its pollution prior to adding it to the 303(d) List. While this information may have relevance as background data and would inform future management strategies, it does not change the fact that water bodies are impaired which is a criteria that meets the listing requirements of the Clean Water Act.	Please refer to the response to comment 2.6.2.	Yes	Volume I, Methodology
2.11.5	Use of a Watch List is imposed because it is unnecessary if the Section 303(d) List is functioning properly. The Watch List is used as a delay tactic for acting on warranted listings and also is not authorized under the federal Clean Water Act.	Please refer to the response to comments 2.6.2 and G.11.8.	Yes	Volume I, Methodology
2.12.1	RWQCB is submitting a Resolution (Resolution # R2-2002-0061) to adopt Site-Specific Objectives for Copper and Nickel in the San Francisco Bay, South of the Dumbarton Bridge. The resolution describes an implementation plan to maintain current ambient concentration of these metals. Please consider this resolution in the process to determine the impairment status of San Francisco Bay for copper and nickel.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.13.1	Support the SWRCB's efforts in developing an adequate and defensible list, however we are concerned that the List, as it inappropriately relegates several highly polluted water bodies in San Francisco to a Watch List.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.13.2	The commenter disagrees with the SWRCB's recommendation to place Islais Creek on the Watch List, because there was no specific pollutant identified and the creek is part of an alternative enforceable program. To place water segments on a Watch List because of the alleged existence of other water quality programs is directly contrary to law and common sense. Section 303(d) and its implementing regulations specifically notes that states must identify waters for which effluent limitations through other regulatory programs are not stringent enough to meeting water quality standards. The existence of such regulatory programs as BPTCP list toxic hotspots is evidence that the listing is warranted.	Please refer to the response to comment 2.6.2.	Yes	Volume I, Methodology
2.13.3	The commenter disagrees with the SWRCB's recommendation to place Mission Creek on the Watch List, because there was no specific pollutant identified and the creek is part of an alternative enforceable program. To place water sediment on a Watch List because of the alleged existence of other water quality programs is directly contrary to law and common sense. Section 303(d) and its implementing regulations specifically notes that states must identify waters for which effluent limitations through other regulatory programs are not stringent enough to meeting water quality standards. The existence of such regulatory programs as BPTCP list toxic hotspots is evidence that the listing is warranted.	Please refer to the response to comment 2.6.2.	Yes	Volume I, Methodology
2.13.4	The commenter disagrees with the State Board's recommendation to require that an explicit linkage be made between an impaired water body and the source of its pollution prior to adding it to the 303(d) List. While this information may have relevance as background data and would inform future management strategies, it does not change the fact that water bodies are impaired which is a criteria that meets the listing requirements of the Clean Water Act.	Please refer to the response to comment G.11.21.	No	
2.13.5	The commenter is opposed to the use of a Watch List because it is unnecessary if the Section 303(d) List is functioning properly. The Watch List is used as a delay tactic for acting on warranted listings and also is not authorized under the federal Clean Water Act.	Please refer to the response to comment G.11.8 and G.10.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.14.1	The commenter is concerned by the proposal to break up the list of impaired waterways into 3 categories, because it does not conform with the understanding of the Clean Water Act. If a waterway qualifies for listing under the Section 303(d) list, it must be included. Once it no longer qualifies as impaired, then and only then can it be delisted. The concept of delisting water bodies because TMDL's have been completed is contrary to the law, in addition the water body may still remain impaired. A "Watch List" makes no sense. It is unclear what criteria qualifies a water way for the Watch List rather than the 303(d) List.	Please refer to the response to comment G.11.11.	No	
2.14.2	The SWRCB should adopt the recommendations of the RWQCBs to list Mission Creek. The water body is impacted by continuing overflows from San Francisco's combined sewer system and exceedences in heavy metals, PAHs, and enriched hydrogen sulfide and ammonia. There is sufficient data for the listing.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume I, Methodology
2.14.3	We urge the SWRCB to adopt the recommendations of the RWQCB's to list Islais Creek. The water body is impacted by continuing overflows from San Francisco's combined sewer system and exceedences in heavy metals, PAHs, and enriched hydrogen sulfide and ammonia. There is sufficient data for the listing.	Please refer to the response to comment G.11.8 and 2.6.2.	Yes	Volume I, Methodology
2.15.1	The commenter supports the Boards' assumption to maintain the 1998 303(d) list, reviewing the 1998 list would slow down the listing process.	Comment acknowledged.	No	
2.15.2	The proposed Watch List is inconsistent with the Clean Water Act and will severely delay restoration of water quality standard in impaired waters. The SWRCB has no authority in the Clean Water Act for the development of alternative lists to be used to as a placeholder where water bodies that do not meet the Boards' criteria. All water bodies that do not meet water quality standards must be place on the 303(d) list.	Please refer to the responses to Comment Nos. G.11.8 and G.11.11.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.3	The proposed "Completed TMDL List " is inconsistent with the Clean Water Act and will severely delay restoration of water quality standard in impaired waters. The Board's proposal to create an alternative listing mechanism for impaired water bodies for which a TMDL has been established but no yet achieved flatly violated Section 303(d) of the Act. The establishment of a TMDL, without full implementation and achievement of water quality standards, does nothing to change the fact that the waterbody in question is not meeting standards. There is no objection over the formalization of a Completed TMDLs List so long as that the list does not result in the delisting of impaired water bodies from the 303(d) list.	Please refer to the response to Comment No. G.11.11.	No	
2.15.4	More transparency is required to explain the Board's rationale for making decisions to list or not list water bodies on the 303(d) list. If the Board used any guidelines for evaluating spatial representation, data quality, temporal representation, etc. it should be discussed in the report. The factors source of pollutants and availability of an alternative enforceable program, are entirely irrelevant to the deliberation of whether or not a water body is impaired and warrants listing.	Please refer to the response to Comment Nos. G.11.21, G.11.18, G.11.20, and G.11.4.	No	
2.15.5	It appears that many of the water bodies were put on the proposed Watch List where no fact sheet or other narrative exists in the draft 303(d) list to explain such decision. The commenter requests explanation for these listing decisions, particularly where public comments exists in the record advocating for listing under Section 303(d).	Please refer to the response to Comment No. G.11.4.	No	
2.15.6	Information about the source of an impairing pollutant is not relevant to the question of determining 303(d) listing status. The Act requires listing based on the question on whether or not the water body meet standards, and not granted for impaired water bodies where there is a lack of information about pollutant sources. This information is not necessary or relevant to the question of whether or not a waterbody is supporting beneficial uses or complying with water quality standards.	Please refer to the response to Comment No. G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.7	An impaired waterbody must be 303(d) listed even if the identification of the actual pollutant(s) causing the impairment is not identified. The language ("No pollutant identified, effects-based listing") used in placing water bodies on a Watch List is ambiguous. If a water body fails to meet standards for toxicity or some other narrative objective, then it should be placed on the 303(d) list. The commenter disagrees with the Board's decision to place Stege Marsh, Islais Creek, Mission Creek and Peyton Slough on the Watch List because no pollutant was identified. These sites are all extremely toxic and been ranked as "high" priority toxic hotspots.	Please refer to the response to Comment No. G.11.21.	No	
2.15.8	The SWRCB must list all impaired water bodies on the 303(d) list, even if some other alternative cleanup program exists. There is no exception provided by the Section 303(d) statute for impaired water bodies that may be subject to some other regulatory or voluntary program as an alternate method to correct the problem. The commenter is concerned with the Board's recommendation to place Stege Marsh, Islais Creek and Peyton Slough on a Watch List instead of the 303(d) list because of the BPCTP. Such designation has no bearing on the water bodies' capacity to meet water quality standards and is irrelevant to the decision of whether or not it should be listed. We urge the Board to strike reference to the BPCTP as an "alternative enforceable program", which it is clearly not, and to place all the Toxic Hot Spots on the 303(d) list.	Please refer to the response to Comment No. G.11.8 and 2.6.2.	Yes	Volume I, Methodology used to develop the List.

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.9	Many Bay segments and tributaries were improperly omitted from the 303(d) list. The commenter disagrees with the Board's recommendation to place the Bay on a Watch List for PBDE. Evidence is available to the Boards indicating that PBDE concentrations are doubling ever few years in tissues of marine mammals and humans in the Bay Area. BayKeeper incorporates by reference comments submitted by that Natural Resources Defense Council related to PBDEs.	<p>Little or no data are available in the San Francisco Bay Region for many known or suspected contaminants. The RMP is currently reviewing analytical laboratory information (e.g., gas chromatographs) to identify unknown contaminants. Some of the unknown peaks in the gas chromatographs were recently identified by the RMP as polybrominated diphenyl ethers, or PBDEs, a common flame retardant found in furniture and other materials. Concurrently, a paper by She, et al. (2001), in press, documents that levels of PBDEs in San Francisco Bay harbor seal blubber are among the highest reported elsewhere, a dramatic increase in PBDEs in harbor seals was observed over the last ten years, and PBDE levels in human breast adipose tissue from the San Francisco Bay Area are the highest reported to date. Most of the studies on PBDE levels have occurred in northern Europe and Canada. Very few data are available on levels of PBDEs in the United States (She et al., 2001). PBDEs are hydrophobic, persistent compounds expected to bioaccumulate in the food chain, their effects are largely unknown, and they are chemically similar to known carcinogens such as PCBs and dioxins. The weight of evidence of increasing concentrations and their unregulated status warrant a finding that PBDEs threaten to impair water quality in all segments of the San Francisco Bay Estuary, all influenced by wastewater and urban runoff discharges, the likely sources of PBDEs.</p> <p>A listing is precluded now due to lack of an enforceable water quality criterion or objective. Nevertheless, the available information on PBDEs must trigger immediate attention and action to avoid irreversible impacts to aquatic life and human health that can be reasonably anticipated based on their physical and chemical properties, and documented increases in the food chain, despite the lack of clear regulatory guidance on these pollutants at this time.</p> <p>Absent numeric objectives and impairment findings can not be defended now. By placing the PBDEs on the Monitoring List, the Regional Board staff will steer the Regional Monitoring Program to prioritize the pollutant for monitoring and already the Bay Area Pollution Prevention Group, composed of municipal dischargers, have proposed a pollution prevention project for PBDEs for fiscal year 2001-02.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.10	The commenter disagrees with the delisting of the San Francisco Bay, North of Dumbarton Bridge, for copper. The Statute [Section 303(d)] suggests that Congress intended impaired water bodies to remain on the 303(d) List even after water quality standards are achieved. Maintaining water bodies on the list and maintaining TMDL-based load allocations indefinitely is sound strategy for preventing backsliding and re-impairing restored water bodies. A comparison of the Basin Plan standard with the Regional Monitoring Program data suggests a very different conclusion. Out of 445 samples taken during 1993-1999 from sampling station north of Dumbarton Bridge, we tally 89 violation of the Basin Plan objectives. Seventeen violation occurred in 1998 and 14 in 1999. Many of the violations exceeded the standard by two or three fold. Currently, the RWQCB is in the process of developing a Site Specific Objective for copper in the Bay based on the Water Effects Ratio (WER) for site specific copper toxicity. The calculation for WER is based on dissolved concentrations of copper in the CTR, however neither CTR dissolved copper standard nor a WET standard are applicable here because such standards do not apply to San Francisco Bay. The Boards cannot delist the Bay for copper based on new standards without revising the Basin Plan.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2
2.15.11	Delisting the San Francisco Bay, North of Dumbarton Bridge now for Copper and Nickel is bad policy. The RWQCB staff committed to accommodating public input as the process involving and pledged to develop an "Action Plan" to ensure that a delisting decision does not result in further degradation of the Bay. However, this process has been stalled and the drafted document was never finalized. Delisting will now diminishes any incentive on the part of the dischargers to accept robust Action Plans to prevent further degradation from copper and nickel.	Please refer to the response to comment 2.1.1.	Yes	Volume II, Region 2

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.12	Water bodies impaired by trash must be included on the 303(d) list. We believe that the presence of trash is also an indicator of poor resource stewardship which send a signal to individuals and local governments that trash waterways are acceptable repositories for rubbish and possible other discharges. The SWRCB should use the 303(d) process, as required, to ensure that Bay Area waterway are cleaned up. The SWRCB should carefully review the evidence submitted to the SWRCB documenting several creeks which look like landfills. At a minimum, the SWRCB should place the Guadalupe River, Guadalupe Creek, Coyote Creek, Wildcat Creek, San Leandro Creek, Glen Echo Creek, portions of San Pablo Creek, Wildcat Creek, Arroyo Las Positas and all Bay Area tributaries on the 303(d) list for impairment by trash.	<p>The commenter has failed to provide adequate information to justify a 303(d) listing. A few photographs or video taken on one day does not represent spatial or temporal variability over the last 5 years. These water bodies should not be placed on the 303(d) List, they should be placed on the Monitoring List.</p> <p>Please also refer to the response for Comment No. G.11.134.</p>	No	
2.15.13	The record supports a decision to list Novato Creek and Pilarcitos Creek, among others, on the 303(d) list for impairments due to sediments. The commenter wishes to submit new data in support of 303(d) listing for several creeks in the South Bay which are impaired by sediment.	The data submitted has been reviewed. In the case of Novato Creek, actions underway may unveil that the water quality standard is attained within the next listing cycle, and therefore a Monitoring List status is justified at this time. By placing it and Pilarcitos Creek on the Monitoring List. We acknowledge that an impairment finding may be justified at a future listing, pending more information is collected to see whether or not a management action underway has provided the assessment information and/or corrective action that is warranted to protect water quality.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.15.14	The commenter disagrees with the RWQCB's rationale that the heavy metals data is too old for Bay Area creeks. A study (San Francisco Bay Area Stormwater Runoff Monitoring Data Analysis, Woodward-Clyde, October 15, 1996) was submitted of several Bay Area creeks during wet weather. The report included documentation of routine violations of Basin Plan standards for cadmium, lead, copper, chromium, mercury and nickel. The RWQCB concluded that the data was too old and that the data did not show frequent violations of water quality standards. However the data was collected within the decade and published less than six year ago. The SWRCBs draft 303(d) List does not include any reference to this issue and fails to propose placing the water bodies in question on any list. The Board improperly dismissed that data then as it does now. Therefore, a table is being submitted showing frequency of Basin Plan Objective (acute) violations in Bay Area Creeks (Codornices Creek, San Lorenzo Creek, Castro Valley Creek, Alameda Creek, Rheem Creek, Walnut Creek, Calabazas Creek, Guadalupe River and Coyote Creek).	<p>The commenter submitted these heavy metals data in the previous listing cycle and the Board already considered them, and found them to be inadequate to justify listing.</p> <p>The infrequent (~4%) exceedances of the copper and zinc acute (1-hour) criteria do raise questions of water quality protection and highlight monitoring objectives for these pollutants for stormwater programs, as indicators of potential standards not being met. For a listing recommendation, however the exceedances should be persistent and waterbody-wide.</p>	No	
2.15.15	BayKeeper supports the continuation of a 303(d) listing for the South Bay sediment for copper. The RWQCB staff has petitioned the SWRCB to delist the South Bay for copper, based on WER-derived criteria for copper. However, the WER-derived standards are not applicable to the San Francisco Bay where existing Basin Plan standards continue to apply. Until the RWQCB Basin Plan is amended to include different standards, the South Bay segment remains impaired as defined by existing binding water quality objectives.	Please refer to the response to comment 2.1.1.	No	
2.16.1	Data submission in support of 303(d) listing for South Bay Creek impaired by sedimentation and erosion. The report is "Stream Maintenance Project, Initial Study and Mitigated Negative Declaration, May 2001" prepared by the Santa Clara Valley Water District. This study indicates sedimentation and erosion are threatening beneficial uses at several South Bay Creeks. The creeks are: Matadero Creek, Calabaza Creek, Stevens Creek and Coyote Creek. These creeks also provide important flood control uses which are being undermined by excessive erosion and sedimentation in the watershed. This report describes sediment impacts to several other South Bay creeks which do have listed beneficial uses in the Basin Plan. These waterway support many of the same beneficial uses and should also be listed.	The referenced report has been reviewed and all applicable data on this issue. The information does not support listing. No beneficial use impairments, and no violation of objectives, support that these water bodies should not be listed.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.101.1	The commenter supports the Watch List. More sufficient data need to be acquired before making a decision. The commenter believes in the weight of evidence, and encourage the SWRCB to work with the Public Advisory Group on that issue. There needs to be defined standards for water quality as well as quantity.	Comment acknowledged.	No	
2.101.2	The SWRCB and RWQCB staff should delist the extreme South Bay for copper. RWQCB has adopted revised standards for copper and nickel for the extreme South Bay. It provides the evidence necessary to delist copper.	Please refer to the response to Comment No. 2.1.1.	Yes	
2.101.3	There needs to be a very important emphasis on the public process.	Comment acknowledged.	No	
2.102.1	The group or parties involved, such as the NGOs, RWQCB, EPA, the dischargers did a very good job in a very difficult situation in the process for developing the data to support the site-specific objective. They should be commended for their effort.	Comment acknowledged.	No	
2.102.2	The commenter supports the delisting of South San Francisco Bay for copper. The process was supported by sound science and it is backed by EPA guidance. This is the process in the development of site-specific objectives.	Please refer to the response to comment 2.1.1.	Yes	
2.103.1	The commenter supports the SWRCB's decision to go on with the 1998 list.	Comment acknowledged.	No	
2.103.2	The commenter strongly oppose the concept of a Watch List, feeling that it would become a tool for delaying action on water that are impaired. There is no authority for in under the Clean Water Act for the Watch List. When the Watch List is prepared with the 303(d) listing, it simply is an alternative 303(d) listing and consequently, becomes a missing link. This will make it easier to look the other way in addressing some of the hard questions.	Please refer to the response to comment G.10.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.103.3	<p>Concern was raised about the proposed TMDLs completed list. The concept of delisting a water body because a TMDL is developed, but not yet implemented is weak. It's not appropriate to have an impaired waterbody taken off the 303(d) list before the TMDL is completed. If a water body is listed, it makes it easier for local agencies and governments to get funding to clean up that water body. Therefore, listings are very important.</p>	Please refer to the response to comment G.10.1and G.11.11.	No	
2.103.4	<p>Concerned with the concept of not listing a water body because there is an alternative program. Section 303(d) states that any water body is required to be listed where current activities is not stringent enough to attain all water quality standards. However, the proposed list rationale for not listing are completely devoid and separate from the question of actual impairment.</p> <p>For example, water bodies in the San Francisco Bay have been identified as toxic hot spots. The RWQCB wanted to lists these water bodies, but the SWRCB recommended putting these water bodies on a Watch List, because they are covered by the BPTCP. However, by not putting them on 303(d) list will cause the clean up effort on these waters to slow down.</p>	Please refer to the response to comment G.11.8.	No	
2.103.5	<p>We cannot rationally decide not to propose listing water bodies that have ambient toxicity or other effect-based impairment simply because we have not identified the pollutant and it has probably not gone through a TMDL process. For example, the decisions to not list are being made because of uncertainty about source of pollutant, where there is an effect based on impairment, where we don't have a particular pollutant identified and where we don't have documented ambient toxicity. Ambient toxicity is a violation of water quality standards and therefore a violation of water quality standards.</p>	Please refer to the response to comment G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
2.103.6	The commenter requested additional information on the modification for copper and nickel listing in the San Francisco Bay and concerned with it's proposed delisting. It appears that the original delisting of this water body was based on the Basin Plan standards. However, it is difficult to understand the decision, because of the Bay is in fact impaired. The RWQCB recently amended their Basin Plan and changed their rationale for the delisting of the Bay. They will be basing the listing on an effects-based method, which calculates a much higher standard for copper according to the California Toxics Rule (CTR). The CTR document clearly states that for San Francisco the standard is not the CTR, but in fact a Basin Plan standard. However, there is not a standard in the Basin Plan.	Please refer to the response to 2.1.1.1.	Yes	
2.104.1	The commenter commends the SWRCB on unprecedented transparency in this listing process. It made it easier for the RWQCBs to encourage a process of public solicitation and brought to attention the need of water waste issues that are present and important to the public that we serve, including member of the public and also agencies that we work. The commenter believes that the SWRCB is on the right course.	Comment acknowledged.	No	
2.104.2	A Watch List is needed and it was a concern to us that this list was an off-ramp to action. The National Research Council and the National Academy of Science Review for the TMDL recommend this primary list.	Comment acknowledged.	No	
2.104.3	I think that when we see upcoming issues, we can plan and assess and we create a priority assessment list, so in the next listing cycle we can make informed decision with the information that we need.	Comment acknowledged.	No	
2.104.4	It is important for the 303(d) listing policy process to be very explicit about what placement on the Watch List means and what the RWQCB is expected to do.	Comment acknowledged.	No	
3.1.1	The commenter agrees with Region 3 in the recommendation to list Majors Creek due to sediment impacts.	Please refer to the response for Comment No. 3.3.1.	No	
3.2.1	Elevated Coliform bacteria level were recorded at White Rock Recreation Area during 1974-1984 and 8/99-2/00. The commenter is concerned that further and larger development of the White Rock Area will increase the degradation of water quality in the area.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.3.1	The commenter disagrees with the SWRCB's recommendation to exclude Majors Creek on the proposed 303(d) list for sedimentation. There is sufficient turbidity data to support listing.	<p>Turbidity data and photographs of possible sediment-related impacts have been provided as evidence supporting the inclusion of Majors Creek on the section 303(d) list. While turbidity data has been submitted, the units of measure between the data (Nephelometric Turbidity Units or NTU) and basin plan objectives (Jackson Turbidity Units or JTUs) are not comparable. Also, it is difficult to determine and quantify the extent of sediment impacts from the few photographs that were submitted.</p> <p>To clarify the available data and information, it is recommended that Majors Creek be placed on the Monitoring List. This option would require more monitoring on the Creek to support the listing for sediment. The SWRCB staff report will be revised to reflect these changes.</p>	Yes	Volume II, Region 3
3.3.2	San Lorenzo River Watershed-Boulder Creek on the 303(d) for sedimentation/siltation at it's Feb 1, 2002 meeting.	San Lorenzo River-Boulder Creek will be added to the 303(d) list. Justification for the additions are included in a fact sheet for the water body-pollutant combination.	Yes	Volume II, Region 3
3.3.3	The commenter disagrees with the SWRCB recommendation to delist San Lorenzo River Lagoon and recommends the listing to remain on 303(d) list for sedimentation.	The SWRCB staff recommends delisting the San Lorenzo River Lagoon for sedimentation, due to the absence of information to support the original listing. In addition, there is no new information provided to support maintaining the listing.	Yes	Volume II, Region 3
3.3.4	Add Santa Maria River Estuary to the proposed 303(d) list for organochlorine. Two data sources (BPTCP and TSMP) indicate impairment.	Santa Maria River Estuary should not be placed on the be 303(d) list for organochlorines. The data submitted was taken from two different data media (sediment and tissue) six years apart, with only one sample per media. Please refer to the response to Comment No. G.10.6.	No	
3.3.5	Table 5 of the Staff Report indicated the Chorro Creek is list for metals. However, the RWQCB recommends removing Chorro Creek from the 303(d) list for metals. After reviewing data, three data points did not support the listing. These data points were collected from waters outside the waterway.	Based in the information provided, Chorro Creek will be removed from the proposed section 303(d) list. Justification for the removal is included in a fact sheet for the water body-pollutant combination.	Yes	Volume II, Region 3
3.3.6	Table 5 of the Staff Report indicated the Chorro Creek is list for metals. The RWQCB recommends delisting Los Osos from the 303(d) list for priority organics. Water column and sediment samples were collected as part of monitoring assessment and no exceedences of standards existed.	Based in the information provided, Los Osos Creek will be removed from the proposed section 303(d) list. Justification for the removal is included in a fact sheet for the water body-pollutant combination.	Yes	Volume II, Region 3

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.3.7	Change the San Luis Obispo Creek priority organic listing to PCBs. The SWRCB should not place San Luis Obispo on the Watch List due to insufficient evidence (the age of data). However, there is data available more recent than three year old.	<p>A measurement exceeded the MTRL for PCBs in clam tissue in 1991 and exceeded PCB EDLs in a 1990 tissue sample from goldfish. These data points are more than 10 year old. In addition, a composite sample of 20 fish exceeded the PCB MTRL in 1991. However, the composite of 20 fish were collected from the one site during the same sampling event.</p> <p>Also, please refer to the response to Comment No. G.10.10. The SWRCB will maintain the listing until sufficient information is collected to warrant changing the listing from Priority Organics to PCBs.</p>	No	
3.3.8	It is unclear what criteria are used for a Watch List and what requirements will be imposed on the Watch List.	Please refer to the response to comments No. G.10.1, G.10.5 and G.10.6.	No	
3.3.9	Table 6 is incorrect for the San Lorenzo River listing for nitrate. The TMDL was completed. As a result of a meeting with representatives from the SWRCB and USEPA, it was agreed to postpone adoption of a TMDL indefinitely and allow the current Basin Plan mechanisms an opportunity to solve the nitrate problem.	<p>The TMDL was completed and the Wastewater Plan for San Lorenzo River Watershed and the San Lorenzo Nitrate Management Plan are in place to monitor the problem. The TMDL was never approved by SWRCB or USEPA. The water body-pollutant combination will remain on the 303(d) list with a low priority.</p> <p>The fact sheet has been changed to reflect this response.</p>	Yes	Volume II, Region 3
3.3.10	Table 6 should read "TMDL completed" with the year 2002 as the completion year.	This list includes all water body-pollutant combinations with a completed TMDL. Waters will be removed from the list when is demonstrated that water quality standards are met.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.3.11	Priorities reported in Table 5 of the State's staff report are misleading. In the staff report waters were prioritized according to budget resources and schedule desired, giving water with a 2004 completion date a high priority and all to other waters a lower priority. It's very important to maintain the distinction between "priorities" and "schedules," especially in a time of limited resources. They suggest that the priorities should be based upon the bulleted list of criteria in the prioritization of waters, and schedules should be set separately based on programmatic needs and budget limitations.	<p>The proposed priorities reflect which water body-pollutant combinations the SWRCB expects to complete TMDLs over the next two years. This approach does link priorities with TMDL completion. Since the section 303(d) list identifies and sets priorities for water quality limited segments still requiring TMDLs, the priority is focused on which TMDLs will be completed first. This approach is consistent with 40 CFR 130.7(b)(4), which states in part: "The list shall . . . include a priority ranking for all listed water quality-limited segments still requiring TMDLs, taking into account the severity of the pollution and the uses to be made of such waters and shall identify the pollutants causing or expected to cause violations of applicable water quality standards. The priority ranking shall specifically include the identification of waters targeted for TMDL development in the next two years."</p> <p>The SWRCB proposal includes a ranking using the factor identified in the federal regulations and establishes within that priority the schedule for TMDL completion in the next two years.</p>	No	
3.3.12	In Table 1, Region 3 "Summary of Recommendation," the water body is misspelled. The correct spelling for the water body is Oso Flaco Lake.	The SWRCB staff report has been corrected.	Yes	Volume II, Region 3
3.3.13	"South Coast/Pacific Ocean are inconsistent with all current documentation, including the existing 303(d) List, they should read should read "Pacific Ocean at _____."	The change has been made in the SWRCB Staff Report.	Yes	Volume II, Region 3
3.3.14	List all waters by individual water body name rather than by watershed name in order to have consistent format. For example, "San Lorenzo River Watershed-Kings Creek" should be listed as "Kings Creek."	The changes have been made in the SWRCB Staff Report.	Yes	Volume II, Region 3
3.4.1	There is an error in omission of Boulder Creek in the State's staff report. Boulder Creek should be added to the proposed 303(d) list for impairments due to sediment.	A new fact sheet has been developed for Boulder Creek and added to the staff report.	Yes	Volume II, Region 3
3.4.2	Majors Creek should be added to the proposed 303(d) list for impairment due to sediments. The RWQCB voted unanimously at their February 2002 meeting when the 303(d) came back to include Majors Creek for sediment impairment.	Please refer to the response to Comment No. 3.3.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.4.3	The SWRCB should not delist San Lorenzo River Estuary (Lagoon) for sediment. The SWRCB staff has based their recommendation on the faulty interpretation of the RWQCB initial recommendation. The RWQCB and the Water District recommends not to delist the water body until further studies demonstrate, that sediment no longer impairs this area.	The SWRCB recommends delisting San Lorenzo River Estuary (Lagoon) for sediment because there is no information in the record to support the listing. A better analysis of the information in the record has been included in the fact sheet for this water body-pollutant combination.	Yes	Volume II, Region 3
3.5.1	In the October 26, 2001 RWQCB staff report, please address where to verify the Coho Salmon Habitat information? The 2001 information appears to be the same as 1998. Was this extracted from the 303(d) and TMDL priority list - provided that our "total Size" figures are accurate?	This letter does not pertain to comment for the 2002 303(d) list Staff Report. It is a request to the RWQCB to review information in a report written by Applied Survey Research.	No	
3.5.3	In the October 26, 2001 RWQCB staff report, please clarify if Pajaro River has a Fecal Coliform pollution source for 5 miles of its length?	This letter does not pertain to comment for the 2002 303(d) list Staff Report. It is a request to the RWQCB to review information in a report written by Applied Survey Research.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.5.4	<p>In the RWQCB staff report prepared October 26, 2001, some notes have been made on page 234 (Health of County Waterways, Inventory of Impaired County Waterway, 1998) updating the information based on the priority list. Please verify the changes in your response.</p> <p>1. Carbonera Creek---Sedimentation---For sources add; Non-point sources 2. Pajero River--Nutrients--for sources add; channelization/non-point sources 3. Pajero River--Sedimentation--for sources add; Resource extraction/hydromodification channelization/habitat modification/channel erosion/natural sources 4. Add; Pajero River, Fecal coliform, medium, Pasture lands/non-point source/natural sources 5. San Lorenzo River, pathogens, for sources add; Septage disposal 6. Delete; San Lorenzo River Estuary, sedimentation, hydromodification 7. Schwan Lake, Pathogens; change to high priority 8. Shingle Mill Creek, sedimentation, for sources add; land development/non-point source and delete Agricultural and development 9. Soquel Lagoon, pathogens, change to high priority 10. Soquel Lagoon, sedimentation, change to medium priority 11. Watsonville Slough, pesticides, for sources; add Agriculture runoff as one of source and delete Agriculture/runoff 12. Watsonville Slough, sedimentation, for source; add Agriculture runoff as one of source and delete Agriculture/runoff.</p>	<p>This letter does not pertain to comment for the 2002 303(d) list Staff Report. It is a request to the RWQCB to review information in a report written by Applied Survey Research.</p>	No	
3.5.5	<p>Is it appropriate to generalize the sources of pollutant (i.e., agricultural runoff)?</p>	<p>This letter does not pertain to comment for the 2002 303(d) list Staff Report. It is a request to the RWQCB to review information in a report written by Applied Survey Research.</p>	No	
3.6.1	<p>In order to increase transparency in the process, clarification of the deletions, as well as clarification of the discussion in Volume I, p. 5, regarding how the "size affected" values for the 1998 list may have changed in the 2002 list because of new data. There is no summary of these changes in the public documents.</p>	<p>Please refer to the response to Comment No. G.10.15.</p>	Yes	Volume I, Methodology

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.6.2	We support the proposed additions the SWRCB has made to the list and the addition of the San Mateo Coastal Basin/Pacific Ocean at Fitzgerald Marine Reserve, due to frequent postings of the area. This area is used by children who wade in its waters.	Comment acknowledged.	No	
3.6.3	The commenter strongly supports that "[o]nce it has been shown that standards are achieved and/or beneficial uses are attained the water bodies will be removed from the list." (Draft Report, Volume I, p 7.) Section 303 of the Act mandates that impaired waters be listed; it does not grant EPA authority to allow states to remove waters from the list while the impairment is continuing.	Please refer to the response to Comment No. G.10.1 and G.11.11.	No	
3.6.4	The Watch List violates the mandate in Section 303(d) to place an impaired waterbody on any list other than a 303(d) list, even if there is "a regulatory program in place to control the pollutant but data are not available to demonstrate that the program is successful." (Draft Report, Vol. I, p.6). One of our main concerns (other than that the list was illegal) was that the list would be inappropriately to put water bodies on a list for political or other reasons, where such waters should instead be listed and cleaned up.	Please refer to the response to comment No. G.10.1.	No	
3.6.5	It is not clear how a water body was put onto the Watch List. There are no guidelines on what "insufficient information" means when putting them on this list. The argument that they were placed on a Watch List so as not to "lose them" makes no sense; neither the environmental nor staff are likely to forget about them, and putting them on a list with no basis in statute will not make them better priorities for monitoring money. The State's decision has to be transparent.	Please refer to the response to comments No. G.10.1, G.10.2, and G.10.6.	No	
3.6.6	The SWRCB and RWQCBs cannot base listing decisions on variables other than those directly related to impairment. Listing factors such as source of pollutant source and availability of an alternative enforceable program cannot be used to decide whether to list a water body, because they are completely irrelevant to whether the water body is impaired.	Please refer to the response to Comment Nos. G.10.9 and G.11.11.	No	
3.6.7	The reasons for deletions and rejections must be transparent. The SWRCB should add a column to the table that briefly describes the reason for the delisting.	Please refer to the response to Comment No. G.11.4.	Yes	Volume I, Deletions Table

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.6.8	Clarification of the discussion in Volume I, p.5, the "size affected" values for the 1998 list may change in the 2002 because of new GeoWBS data. These changes must be summarized in a table in order for the public to review and comment on them.	Please refer to the response to Comment No. G.10.15.	Yes	Proposed Section 303(d) List
3.6.9	In regards to the delisting of Chorro Creek for metals, two of the delisting factors in the Ad Hoc Workgroup document should not be used because they contradict the intent of the TMDL program. A water body should not be delisted just because the USEPA has approved a TMDL. Furthermore an approved TMDL does not mean that the water body is no longer impaired. In addition, the statement, "control measures in place which will result in protection of beneficial uses" does not address whether the beneficial use has been attained; instead it only provides a mechanism for the attainment of the beneficial use at some future date, if at all. Any delisting based on this document should be disregarded and/or reevaluated.	Chorro Creek was removed from the list for metals because the data collected was obtained from sites outside of the waterway. In addition, the results of data analyzed from water within the water body did not exceed standards. Please also refer to the response for Comment No. 3.3.5.	Yes	Volume II, Region 3
3.6.10	In regard to the delisting of Los Osos Creek for Priority Organics, two of the delisting factors in the Ad Hoc Workgroup document should not be used because they contradict the intent of the TMDL program. A water body should not be delisted just because the USEPA has approved a TMDL. Furthermore an approved TMDL does not mean that the water body is no longer impaired. In addition, the statement, "control measures in place which will result in protection of beneficial uses" does not address whether the beneficial use has been attained; instead it only provides a mechanism for the attainment of the beneficial use at some future date, if at all. Any delisting based on this document should be disregarded and/or reevaluated.	Los Osos Creek was proposed for delisting because recent (2001) water and sediment samples, indicated that there were no exceedance of standards. Los Oso Creek was originally listed based on two fish tissue samples taken in 1992, where DDT and related substances were detected.	No	
3.6.11	The commenter does not agree with the delisting of San Lorenzo River Lagoon for siltation. The San Lorenzo River Lagoon is an integral part of the San Lorenzo River Estuary, therefore is unreasonable to delist the lagoon for siltation when the estuary is listed for the same stressor. The RWQCB's conclusion that the "lagoon is not impacted by sediment" appears to be inconsistent with the physical structure of the area.	Please refer to the response to Comment No 3.3.2.	Yes	Volume II, Region 3

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
3.7.1	The SWRCB should add watersheds and beaches with elevated coliform levels to the 303(d) list. The SWRCB needs to take a more active role in addressing the issue of degraded water quality as it pertains to beach postings and coliform, contamination un urban runoff and degraded sanitary sewer systems. Beach closures and postings have significant impacts on our local tourism industry and on recreational activities in the Sanctuary which occur year-round, including surfing, diving, wading, etc.	Please refer to the response to Comment No. 4.11.3. The data and information submitted have been reviewed by the RWQCB staff and several new fact sheets have been presented.	Yes	Volume II, Region 3
3.7.2	Recent studies also indicate that human pathogens and associated gastrointestinal disorders are appearing in the threatened Central Coast sea otter population and may be contributing to their decline.	The study mention was not submitted and could not be reviewed.	No	
3.7.3	Information on beach closure postings are available from such sources as; San Mateo County Environmental Heath Office, Monterey County, Santa Cruz County, Monterey Bay National Sanctuary, CCAMP and volunteer programs (Urban Watch, Surfriders Foundation and etc.). The County's beach posting data provide a long-term record which does not yet to be incorporated into the 303(d)list.	Please refer to the response to Comment Nos. 3.7.1 and 4.11.3.	No	
3.8.1	Recommend excluding the source category from the 303(d) list, or, in the alternative, establish a more comprehensive, uniform, and transparent source investigation process for listing purposes. Identifying "sources" in the listing process is misleading, especially without acknowledging that they are "potential sources" and were identified without the benefit of a substantial investigation.	Please refer to the response to Comment No. G.10.9.	No	
3.8.2	Our experiences with TMDL development has shown that it is next to impossible to make changes to the 303(d) list to reflect reality during the TMDL development stage.	Comment acknowledged.	No	
4.1.1	When the RWQCB developed their list recommendations, the commenter was unable to provide comprehensive comments because supporting data for the proposed new listings and delistings, as well as for existing listings were not available.	All data and information that supports the section 303(d) process is stored in the offices of the Division of the Water Quality.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.1.2	The RWQCB's two sample minimum requirement is insufficient in order to determine whether a water body should be designated as impaired. It appears in the draft fact sheets that some of the RWQCB's listings are based on only one sample.	Please refer to Response to Comment G.10.6.	No	
4.1.3	The 303(d) for the San Gabriel River was based on a single study conducted in 1992-93. The report at that time concluded that the San Gabriel River toxicity should improve with a combined program that identifies the pollutant(s) present and a follow-up program to reduce the pollutant concentration. The report did not provide any rationale for how numerical toxicity results translate to varying degrees of impairment or non-impairment and although the cause for toxicity was unknown, diazinon, chlorpyrifos and ammonia were named as possible causes. It appears that the toxicity in the San Gabriel River is now attributed to ammonia, subsequently resulting in a proposed TMDL for nitrogen. However, the cause of the toxicity detected the early 1990's has not yet been determined, nor have follow-up studies been conducted to confirm if the original study finding are still valid.	No new data and information have been submitted to support or refute the RWQCB's 1998 listing decision. Please also refer to the response to Comment No. G.11.12.	No	
4.1.4	No rationale was provided on how abnormal fish histology findings in the San Gabriel River Reach 1, San Gabriel River Estuary, and Coyote Creek resulted in impairments. There was no stressor identified as causing abnormal fish histology to justify listing of these water bodies. In fact, the appropriate TMDL to address these listings has not been determined, and currently the TMDL is noted as "dependent on cause, further assessment needed, cause of abnormalities unknown.	This is a existing listing carried over from 1998. Please refer to the response to Comment Nos. G.11.12 and 4.1.3.	No	
4.1.5	The RWQCB should establish and adhere to statistically-valid minimum data requirements to adequately assess impairments, and should refrain from listing water bodies based on best professional judgement where only limited data are available.	Please refer to the response to comments No. G.11.18.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.1.6	The use of MTRLs to assess impairment of aquatic life is inappropriate because, according to the TSMP 1994-1995 Data Report, MTRLs are criteria that "represent concentrations in water that protect against consumption of fish, shellfish and freshwater that contains substances at levels which could result in significant human health problems." Therefore if MTRLs are used at all, they should only be used to assess impairment to the commercial and sport fishing beneficial use when applicable.	Agree. Maximum Tissue Residue Levels (MTRLs) were developed from water quality objectives for the protection of human health contained in the California Toxics Rule. They represent concentrations in water that protect against consumption of fish, shellfish, and water (freshwater only) that contain substances at levels which could result in significant human health problems. MTRLs should not be used determine impacts to aquatic life. The RWQCB used MTRLs to list water bodies where the consumption of fish, shellfish and water is impacted.	No	
4.1.7	Several new listing based on exceedances of MTRLs were made using tissue data derived from whole-body samples (based on reported sample type in the SWRCB TSMP Database). According to the TSMP 1994-1995 Data Report, "MTRLs are compared only to filet or edible tissue samples and should not be compared to whole body or liver samples." Therefore, any listings based on exceedances of MTRLs using whole-body tissue samples are essentially misapplying the tissue data. For example, the Conejo Creek R1 is newly listed as impaired for dieldrin, chlordane, HCH and PCBs in tissue, based on the analysis of whole-body samples.	MTRLs were not applied to whole body samples.	No	
4.1.8	Some of the new listings are based on two tissue samples of the same fish species, taken from the same site on the same day. It is not clear whether or not these are replicate samples. The data should be analyzed in greater detail to ensure the listings are not actually based on a single sample.	After reviewing the data, it was found that proposed new listings were not based on duplicate analyses from the same sampling date. Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.1.9	The San Gabriel River, Reach 1 listed for ammonia, algae, toxicity and nitrite as nitrogen and Reach 2 also listed for ammonia should be removed from the list, because other control measures are in place. Five WRPs discharging to the San Gabriel River Watershed and two WRPs discharging to the Santa Clara River watershed received new NPDES permits containing requirements regarding compliance with the "ammonia" Basin Plan objective. All seven of these permits established compliance date of June 2003 (8 years following adoption of the permits) for the receiving water limitation for "ammonia". Since a treatment process was chosen to comply with the ammonia objective that will lower the nitrite and nitrate concentrations, removal from the list is therefore warranted. Removal of the listing for "algae" and "toxicity" are also warranted, because compliance with the ammonia objective will result in the elimination of other ammonia related impairments.	Please refer to the responses to Comment Nos. 4.31.11 and G.11.12.	Yes	Volume II, Region 4
4.1.10	The San Jose Creek, Reach 1 and Reach 2 listed for ammonia, algae, should be removed from the list because other control measures are in place. In June, five WRPs discharging to the San Gabriel River Watershed and two WRPs for the Santa Clara watershed received new NPDES permits containing requirements regarding compliance with the "ammonia" Basin Plan objective. All seven of these permits established compliance date of June 2003 (8 years following adoption of the permits) for the receiving water limitation for "ammonia". Since a treatment process was chosen to comply with the ammonia objective that will lower the nitrite and nitrate concentrations, removal from the list is therefore warranted. Removal of the listing for "algae" and "toxicity" are also warranted, because compliance with the ammonia objective will result in the elimination of other ammonia related impairments.	Please refer to the response to Comment Nos. 4.31.11, G.11.8 and G.11.12.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.1.11	The Santa Clara River, Reach 7 listed for ammonia, and algae; and Reach 8 listed for ammonia, nitrate and nitrite, organic enrichment/low dissolved oxygen should be removed from the list, because other control measures are in place. In June, five WRPs discharging to the San Gabriel River Watershed and two WRPs for the Santa Clara watershed received new NPDES permits containing requirements regarding compliance with the "ammonia" Basin Plan objective. All seven of these permits established compliance date of June 2003 (8 years following adoption of the permits) for the receiving water limitation for "ammonia". Since a treatment process was chosen to comply with the ammonia objective that will lower the nitrite and nitrate concentrations, removal from the list is therefore warranted. Removal of the listing for "algae" and "toxicity", and "organic enrichment/low dissolved oxygen" are also warranted, because compliance with the ammonia objective will result in the elimination of other related impairments (ammonia toxicity has been determined from effluent sampling of the Districts' WRPs).	Changing the listings for nitrate nitrite, and organic enrichment/dissolved oxygen is not supported by the data and information in the administrative record. For the response related to ammonia, please refer to the response to Comment No. 4.31.11.	Yes	Volume II, Region 4
4.1.12	All supporting data and any supporting information related to the development of the proposed 2002 303 (d) list has been mailed to the RWQCB by our agency via e-mail on November 26, 2001, and by formal letter request under the Public Record Act, on December 5, 2001.	Comment acknowledged.	No	
4.1.13	The commenter plans to make more comprehensive comments on the proposed 2002 303(d) list to the SWRCB directly once the supporting data and information are received from the RWQCBs.	Comment acknowledged.	No	
4.1.14	Dominguez Channel was listed for copper, chlordane and PCBs in sediment toxicity using sediment quality guidelines from one sample to determine impairment. Sediment Quality guidelines are not in the Basin Plan. Therefore the sediment quality guidelines used appear to be informal criteria that have not been subject to a formal adoption process, hence it is not clear under what authority the RWQCB is applying these criteria as a basis of impairment. For example, Dominguez Channel is listed for sediment toxicity, and copper, chlordane and PCB's in sediment. The fact sheet states that these listings are based on one sediment sample taken in 1996.	Using sediment guideline to interpret narrative water quality objectives is appropriate. Please refer to the response for Comment No. G.9.9. The SWRCB staff have reviewed the bases for the proposed listings and has provided in the fact sheets a new analysis of the RWQCBs recommendation.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.2.1	It is difficult to evaluate the RWQCBs 303(d) Lists because the complete data set used to support listing was not made available. The SWRCB should make the complete set of data and information available to the public for each Region's list.	Please refer to the response for Comment No. 4.1.1.	No	
4.2.2	The SWRCB should hold a workshop in Southern California on the 303 (d) List before it is adopted.	Hearings were held in northern and southern California on the proposed section 303(d) list.	No	
4.3.1	Protection of MUN uses for water identified with an asterisk(*) in Table 2-1 of the 1994 Basin Plan for the Los Angeles Region. This use designation has "no legal effect" and may not be used as the basis for determining impairment for purposes of CWA Section 303(d).	The were no proposed additions to the list based on the MUN beneficial use that where asterisked in Table 2-1 of the Basin Plan.	No	
4.3.2	EPA was unable to identify information in the Basin Plan, California Toxics Rule, or the State Implementation Policy that describes how the State intends to regulate point source discharges of other priority toxic pollutants using the bioaccumulation narrative criterion. Until this information is provided, as required by 40 C.F.R. & 131.11(a)(2), the bioaccumulation narrative criterion may not be used to regulate point source discharges of toxic pollutants on water quality limited segments (i.e., impaired water bodies).	In developing the proposed section 303(d) list, the SWRCB and RWQCB staff are interpreting the narrative standards. This process is not intended to be used to translate narrative objectives for the purpose of regulating point source discharges. The Boards are simply interpreting the water quality objective for the purposes of developing the section 303(d) list.	No	
4.3.3	Waters identified in Table 2-1 of the 1994 Los Angeles Basin Plan with an asterisks (*) do not have municipal and domestic supply use (MUN) as a designated use until such time as the State undertakes additional study and modifies its Basin Plan. Because this conditional use designation has no legal effect, it does not constitute a new water quality standard subject to EPA review under section 303(c)(3) of the Clean Water Act ("CWA").	Please refer to the response to Comment No. 4.3.1.	No	
4.4.1	Concur with placing Malibu Creek on the 303(d) Watch List due to selenium. This is not only because of shortcomings in the supporting data, also it is unclear whether the impairment is due to a pollutant.	Comment acknowledged.	No	
4.4.2	Strongly support decision to place Cold Creek on the Watch List for algae because there is insufficient information to determine if algae growth is due to a particular pollutant.	Comment acknowledged.	No	
4.4.3	Las Virgenes Creek should be placed on the Watch List because there is insufficient information to determine if the algae growth is due to a particular pollutant.	Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.4.4	Lindero Creek should be placed on the Watch List because there is insufficient information to determine if the algae growth is due to a particular pollutant.	Please refer to the response to Comment No. G.11.12.	No	
4.4.5	Malibu Creek should be placed on the Watch List because there is insufficient information to determine if the algae growth is due to a particular pollutant.	Malibu Creek at Cold Creek was reviewed for algae impacts during the 2002 listing cycle.	No	
4.4.6	Medea Creek should be placed on the Watch List because there is insufficient information to determine if the algae growth is due to a particular pollutant.	Please refer to the response to Comment No. G.11.12.	No	
4.4.7	There is abundant evidence that neither the surface or ground waters of the Malibu Creek Watershed meet the basin plan objectives for sulfate or TDS. It is recommended the this constituents are added to the Watch List to ensure that this issue is not overlooked when the basin plan is reviewed.	<p>The data submitted for the 2002 WQA was for Malibu Creek only. This data was from the Los Angeles County Department of Public Works storm water monitoring program. Based on the data analysis, Malibu Creek is in compliance with the Basin Plan Objectives for TDS and sulfate.</p> <p>Groundwater quality assessment is not within the scope of the development of the 2002 section 303(d) list.</p>	No	
4.4.8	Do not support listing of Malibu Lagoon due to elevated pH levels. It is unclear what data was relied upon to determine that Malibu Lagoon exceeds the basin plan objective for pH or what was used to determine that the exceedance impacts aquatic life beneficial uses.	Refer to the response to Comment No. 4.26.4.	No	
4.4.9	The DFG letter proposing to list Malibu Creek Watershed establishes a relationship between microinvertebrate densities and diversity versus sediment grain sizes and substrate enbeddedness at the stations sampled. However, it is not clear whether this condition is unnatural or related to sediment inputs from unnatural sources. It is premature to assume the sedimentation-microinvertebrate correlations are unnatural or even harmful. It is premature to list the watershed as impaired for excess sedimentation.	The macroinvertebrates are indicative of sediment conditions. They do not identify a specific source(s) or whether the excess sediment is natural or man-induced. In this case, the data were compared to a reference stream, Cold Creek, which is in the Malibu Creek watershed. The data comparison suggests that the other streams within the Malibu Watershed are impaired due to sedimentation. Please refer to the response to Comment No. G.11.5.	No	
4.4.10	The commenter strongly supports the use of Watch List for questionable or poorly supported 303(d) listings.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.4.11	The environmental community does not support Watch List, because they believe they will lead to inaction. This can be remedied by incorporating a "sunset clause" establishing a specific time period for a water body to remain on the watch list, "perhaps 1-2 listing cycles, for the collection of definitive information, after which the listing will automatically advance to a regular listing".	Please refer to the response to comments No. G.10.1 and G.11.8.	No	
4.4.12	The commenter appreciates the SWRCB's procedural improvements regarding 303(d) review with the development of detailed fact sheets for each proposed listings, including "data provenance, description of the linkage between the stressor data and the beneficial use impairment, findings on the spatial and temporal representativeness of the data and other important information.	Comment acknowledged.	No	
4.4.13	In the past, there was a sense that the State's review was more or less pro forma. In contrast, with this iteration SRWCB staff made a substantial effort to meet with affected parties well in advance of writing the State's listing proposals, and they have clearly spent substantial time compiling, reviewing and changing where necessary proposed listings from the RWQCB.	Comment acknowledged.	No	
4.5.1	Data previously submitted to the RWQCB demonstrate that dissolved oxygen levels in Conejo Creek Reach 13 (South Fork) do not result in a water quality impairment. Conejo Creek Reach 13 should not be listed for low dissolved oxygen.	Although eight data points were submitted, only one was new. The RWQCB now has eight data points for this period. For assessment of these types of data more samples are needed.	No	
4.5.2	Data collected on ammonia-nitrogen levels in Calleguas Creek Reach 12 (North Fork) and Calleguas Creek Reach 13 (South Fork) should not be listed for ammonia because the data collected indicates that the ammonia levels found in the North and the South Forks are below basin plan objectives and do not constitute an impairment of water quality to these reaches.	The ammonia standard is a function of the temperature and pH of a sample at the time of sampling. No temperature data was submitted with the new data, therefore, it could not be evaluated.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.5.3	An error has been made by including Calleguas Creek Reach 13 (Confluence to Santa Rosa Road) with Conejo Creek Reach 1 listing for Chlordane, Dieldrin, HCH, and PCBs. Conejo Creek Reach 1 is spatially disconnected from Calleguas Creek Reach 13.	<p>The error occurred in transferring existing listings from the 1998 reach designations to correspond to the new reaches defined for the Calleguas Watershed for the 2002 assessment. Calleguas Creek Reach 13 should not be listed.</p> <p>The reach designations for Calleguas Creek were modified to better describe the water body. These reach designations provide more detail than the designations in the current Basin Plan, and are developed for purposes of the Calleguas Creek nitrogen compounds TMDL. The reach revisions provide an appropriate analytical tool for analyses in the watershed. The reach descriptions used are not regulatory and do not alter water quality objectives for the reaches in the Los Angeles Region Basin Plan.</p> <p>Each of the Calleguas Creek fact sheets have been revised to include the old reach description and the revised reach designation. A new table has also been placed in Volume I describing this change in presentation. In addition to Calleguas Creek, the changes in presentation for a number of water bodies are presented.</p>	Yes	Volume I; Volume II, Region 4
4.5.4	The SWRCB chose to disregard the recommendation of the RWQCB to delist the Chem A slate of pesticides for Conejo Creek reaches of the Calleguas Creek watershed (Calleguas Creek Reaches 10, 12, and 13) although the California Toxics Rule has established objectives for each Chem A constituents (MTRL) based on the water quality to support aquatic life.	Agree. Chem A Group compounds are a set of pollutants with similar chemical features and functions. If Chem A group is to be used in a listing decision, all chemicals within that group need to be present in the sample. If one or more of those chemical are absent, then the listing should be for only those compounds present. Also, Chem A group should be interpreted using NAS guidelines, not MTRLs.	No	
4.5.5	It is unreasonable to continue to rely on the outdated summation of pesticides and subsequently derived tissue levels (EDLs) determined by NAS and used prior to the more appropriate and accurate determination of individual constituent levels.	Please refer to the response to Comment No. G.10.10.	No	
4.6.1	It is our understanding that the entire list consists of the list submitted to the USEPA in 1998 combined with the SWRCB approved new listing and delisting proposed by the RWQCB.	This understanding is correct.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.6.2	Fact sheets are needed for all listings for all water bodies, not just to make changes in the list. Such fact sheets should be updated periodically, so that the public can be informed of the reasons for listings, TMDL development, implementation, or the scientific studies used to place water bodies on or off the 303(d) list.	Please refer to the response to Comment No. G.11.12. Fact sheets were only proposed or modified if new data or information was analyzed.	No	
4.6.3	The entire list should be made available in a flat database format or spreadsheets so the public and RWQCBs can update and query the files easily.	Comment acknowledged.	No	
4.6.4	The old 303(d) 1998 list does not show the beneficial uses for some water bodies. The RWQCB should make every effort to associate each pollutant on the 303(d) list (old or new listings) with a beneficial use.	Please refer to the response to Comment No. G.11.12. Beneficial uses are identified for pollutants in each water body for addition, deletion, and changes in the 2002 303(d) list.	No	
4.6.5	A better descriptions needed for SWRCB's methodology for evaluating the listing decisions made by the RWQCB (Volume 1, pages 2-3) and also a definition for insufficient data (Volume 1, page 3).	The methodology has been expanded. Please refer to the response to Comment Nos. G.10.6 and G.11.21.	Yes	Volume I, Methodology Used to Developing the List
4.6.6	The thirteen factor used for reviewing the RWQCB's recommendations (Volume 1, page 4) are only suitable for a portion of a table of contents for SWRCB's listing approval methodology.	Please refer to the response to comments No. G.10.6 and G.11.21.	No	
4.6.7	The SWRCB should insert wording in the 303(d) listing staff report to the USEPA, stating that the listing is preliminary and subject to change until a guidance document is provided.	Once approved by the SWRCB and USEPA, the list will not be preliminary. The USEPA may change the SWRCB approved list.	No	
4.6.8	The SWRCB should delist from Los Angeles River, Reach 6 dichloroethylene, tetrachloroethylene, and trichloroethylene due to the removal of the MUN beneficial use criteria for all water bodies asterisked as having potential MUN beneficial use in the Basin Plan.	Please refer to response to Comment G.11.12. Los Angeles River Reach 6 has a GWR (groundwater recharge) use designation. Since groundwater is designated MUN, the available data should be evaluated using the MCL standards set forth in Section 64444 of Title 22 of the California Code of Regulations. The organic compounds dichloroethylene, tetrachloroethylene, and trichloroethylene occurred at levels exceeding the MCLs during the 1996 assessment. Therefore the listing should not be removed.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.6.9	The commenter conditionally supports the Watch List concept provided there is accompanying funding to carry out the monitoring and evaluation necessary by the Watch List and identification who will be responsible for performing the monitoring functions. A commitment by the SWRCB and RWQCBs for monitoring and evaluation of the water bodies on the Watch List prior to the completion of the next listing cycle	Comment acknowledged.	No	
4.6.10	At this point, there is no written and approved scientific methodology for the determination of which water bodies should be placed on the Watch List, nor is there a written and approved scientific methodology for the primary utilization/function of a Watch List. Including but not limited to: - How long a waterbody remains on the Watch List - How many samples must be collected from a Watch Listed waterbody prior to the next listing cycle.	These issues will be addressed in the listing policy. Please refer to the response for Comment No. G.11.11.	No	
4.6.11	There are several waters listed for algae or eutrophic listings should not be based on symptoms. Water bodies should not be listed on the 303(d) list for pollution; Such water bodies should be listed separately in the 305(b) assessment list or in the Watch List.	Please refer to the response to Comment No. G.11.11.	No	
4.6.12	The staff report of the 303(d) list should include a statement acknowledging that TMDLs often require a research phase to adequately evaluate the pollution problem. This evaluation phase may delay TMDL development and implementation. Since the SWRCB and RWQCBs are considering an "adequate pace" of TMDL development schedule, adjustments for this interactive process should be included as a necessary component of an adequate pace.	In developing priorities and schedules for TMDL completion the SWRCB has considered the need for new data and information to support the development of the TMDL.	No	
4.6.13	40 CFR 130.7(b)(4), 130.7(b)(1), and 130.7(b)(2) require that a pollutant causing or expected to cause violations of the applicable water quality standards should be identified. Water bodies like the Los Angeles River was listed for scum, odor, dissolved oxygen, and foam with no pollutant identified. The commenter recommends that such water bodies be removed from the 303(d) list or be placed on the Watch List until information is gathered to identify the pollutant.	Please refer to the response to Comment No. G.26.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.6.14	The SWRCB should work with the RWQCB to review the proposed list to determine those segments that were listed solely on EDLs levels and provide the rationale why those EDL-listed water bodies were retained on the 303(d) list since it was recognized that EDLs are not a valid assessment guideline.	Listings based on EDLs should be removed from the section 303(d) list. Please refer to the response to comments No. G.10.11.	No	
4.6.15	The RWQCB recommended at the 12/13/01 workshop that the Los Angeles River, Reach 5 be delisted for Chem A. The SWRCB's Region 4 Summary of recommendations stated that the RWQCB reason for de-listing was that the "listing was based on an old NAS guideline which no longer represent valid assessment guidelines". This is an error because the 12/13/01 RWQCB staff report states that the reason for delisting was because "concentration does not exceed NAS guidelines". The SWRCB should concur with the RWQCB rationale and agree with the delisting if the 12/13/01 staff report is correct.	There was insufficient information to remove this water body-pollutant combination from the list.	No	
4.6.16	The commenter supports Watch Listing certain water bodies where an alternative enforceable program exists and reserves its right to submit further comments thereon. The SWRCB should apply the Watch Listing process, where an enforceable program exists, consistently and in a manner that does not hinder or forestall the achievement of water quality objectives.	Please refer to the response to comments No. G.11.8 and G.11.11.	No	
4.6.17	The commenter supports Watch Listing certain water bodies where a TMDL is in progress and reserves its right to submit further comments thereon. The SWRCB apply the Watch Listing process, where a TMDL is in progress, consistent and in a manner that does not hinder or forestall the achievement of water quality objectives.	Waters should remain on the section 303(d) list until the TMDL is completed.	No	
4.6.18	Enclosed storm drains are not waters of the U.S. and as such, should not be listed as impaired, but rather, should be identified as potential sources of pollutants in various TMDLs.	No specific storm drains are proposed to be included in the proposed 2002 section 303(d) list.	No	
4.6.19	More specific location description should be used along with identification of the impaired beneficial uses in the listing process. For example, Ballona Creek Watershed is not a waterbody and it has been listed for pH, dissolved zinc, total selenium, dissolved copper, and dissolved lead. Waterbody specific data should be used only for the applicable waterbody and not for impairment determination of a watershed.	Agree. "Watershed" will be removed from the description of this water body.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.6.20	The RWQCB should verify that the data used to list Aliso Creek is applicable to that waterbody. The data identified from Aliso Creek is actually data from the Los Angeles River near Aliso Creek.	Please refer to response to Comment No. G.11.12.	No	
4.6.21	The RWQCB should verify that the data used to list Tujunga Wash is applicable to that waterbody. The data identified from Tujunga Wash is actually data from the Los Angeles River near Tujunga Wash.	Please refer to response to Comment No. G.11.12.	No	
4.6.22	The RWQCB should verify that the data used to list Verdugo Wash is applicable to that waterbody. The data identified from Verdugo Wash is actually data from the Los Angeles River near Verdugo Wash.	Please refer to response to Comment No. G.11.12.	No	
4.6.23	Description of Arroyo Seco Reach 2 in Volume 1, page Priorities-9 is incorrect. Arroyo Seco Reach 2 description should be from Los Angeles River to West Holly Drive not Figueroa Street to Riverside Drive.	Agree. Arroyo Seco Reach 2 is from "West Holly Avenue to Devils Gate Dam". The description provided by the City is for Arroyo Seco Reach 1. The change was made.	Yes	Volume I, Priorities Table
4.6.24	Description of Los Angeles River Reach 3 in Volume 1, page Priorities-18 is described as being from Figueroa Street to Riverside Drive. This is not accurate because the Los Angeles River Reach 3 at Figueroa Street crosses the Los Angeles River and immediately becomes Riverside Drive.	Agree. Reach 3 of the Los Angeles River is from "Figueroa Street (Thomas Guide 59A-H9) to Riverside Drive (Thomas Guide 564-A3). The change was made.	Yes	Volume I, Priorities Table
4.6.25	Description of Los Angeles River in Volume 1, page Priorities-18 is described as being from Sepulveda Drive to Sepulveda Dam. There is no street named Sepulveda Drive in Los Angeles County.	Agree. Reach 4 of the Los Angeles River is from Riverside Drive (Thomas Guide 564-A3) to Sepulveda Dam (Thomas Guide 561-G2). The change was made.	Yes	Volume I, Priorities Table
4.7.1	The commenter is concerned with the process by which the TMDL priorities are being recommended (i.e., waterbody significance, degree that water quality standards are not being met, availability of funding, and overall need for adequate pace of TMDL development).	Please refer to the response to Comment No. G.11.9 and 3.5.11.	No	
4.7.2	The commenter is concerned that TMDLs may be required to be developed at Monrovia Canyon Creek based primarily of impacts to intermittent or not existent beneficial uses.	Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.7.3	There are concerns that the data used to list Monrovia Canyon Creek may be dated and consist of an insufficient number of samples. Also there are questions about where actual sampling took place or whether any tributary into Monrovia Canyon Creek considered or sampled before listing.	Please refer to the response to Comment No. G.11.12.	No	
4.7.4	The City of Monrovia is aware that a Consent Decree exists that establishes a specific timetable for the adoption of TMDLs. These are TMDLs that rest ultimately upon the municipalities to implement or face violations of their Municipal Storm Water Permits. It appears that the TMDL priority designation for Monrovia Canyon Creek is a consequence of the Consent Decree Schedule. The SWRCB should postpone the application of the TMDL until an updated review of the Monrovia Canyon Creek has been completed.	Please refer to the response to Comment No. G.19.4.	No	
4.8.1	The commenter agrees in principle with the concept of a "Watch List" where data or information suggests that standards are not being met, but existing information is inadequate to confirm that standards are not being met. However, there are concerns about creating a Watch List at this point in the process because at the beginning of the listing assessment the RWQCB staff set minimum data requirements necessary for listing, but did not consider water bodies for listing or delisting where insufficient data was available. There may be many cases where water bodies and pollutants were not considered because of inadequate data.	Please refer to the response to comments No. G.10.1 and G.11.11.	No	
4.8.2	Agrees with the Watch List concept where alternative regulatory program is in place to control the pollutant. However the alternative regulatory program must have required and enforceable controls for the pollutant(s) of concern. The controls must be in place with a firm schedule for implementation and sufficient enough to bring about attainment of water quality standards before the next listing cycle.	Please refer to the response to Comment No. G.11.8.	No	
4.8.3	The SWRCB proposed maintaining Ballona Creek on the 303(d) list for Chem Group A chemicals indicating that the RWQCB recommended delisting. Delisting was not recommended by RWQCB, but rather to maintain Ballona Creek on the list due to Chem Group A under the NAS guidelines.	Please refer to the response to Comment No. 4.6.15.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.4	The SWRCB proposed maintaining Calleguas Creek Reaches 1 and 2 on the 303(d) list for Chem Group A chemicals indicating that the RWQCB recommended delisting. The RWQCB did not recommended delisting but rather to maintain Calleguas Creek Reaches 1 and 2 on the list due to Chem Group A under the NAS guidelines.	The 2002 listing of Calleguas Creek Reach 1 and 2 for Chem A will be deleted as recommended. The listing will be maintained as part of the 1998 303(d) list. This change was made in the fact sheet.	Yes	Volume II, Region 4
4.8.5	The SWRCB proposed maintaining Revolon Slough on the 303(d) list for Chem Group A chemicals indicating that the RWQCB recommended delisting. The RWQCB did not recommended delisting, but rather to maintain Revolon Slough on the list due to Chem Group A under the NAS guidelines.	The 2002 listing of Revolon Slough for Chem A will be deleted as recommended. The listing will be maintained as part of the 1998 303(d) list.	Yes	Volume II, Region 4
4.8.6	The SWRCB proposed maintaining Santa Clara River Estuary on the 303(d) list for Chem A Group chemicals indicating that the RWQCB recommended delisting. The RWQCB did not recommended delisting, but rather to maintain Santa Clara River Estuary on the list.	The 2002 listing of Santa Clara Estuary for Chem A will be maintained on the list.	Yes	Volume II, Region 4
4.8.7	The SWRCB proposed maintaining Duck Pond Agricultural Drain/Oxnard Drain # 2 on the 303(d) list for Chem A Group chemicals indicating that the RWQCB recommended delisting. The RWQCB did not recommended delisting but rather to maintain Duck Pond Agricultural Drain/Oxnard Drain # 2 on the list.	The 2002 listing of Duck Pond Agricultural Drain/Oxnard for Chem A will be maintained on the list.	Yes	Volume II, Region 4
4.8.8	The SWRCB proposed maintaining Machado Lake on the 303(d) list for Chem A Group chemicals indicating that the RWQCB recommended delisting. The RWQCB did not recommended delisting, but rather to maintain Machado Lake on the List.	The 2002 listing of Machado Lake for Chem A will be deleted as recommended. The fact sheet was revised to include this information.	Yes	Volume II, Region 4
4.8.9	The SWRCB recommended maintaining Los Angeles River Reach 5 on the list for Chem Group A chemicals. The RWQCBs still recommends delisting because 1992 (the most recent sampling event) data showed concentrations below the NAS guidelines.	The 1992 data was based on one fish tissue sample. This is not enough information to support delisting the Los Angeles River Reach 4 Chem A chemicals. Please refer to the response for Comment No. G.10.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.10	The commenter recommended listing McGrath Lake for diedrin in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1). However, Region 4 must argue that responsible parties have not been identified, staff funding has not occurred since 1999, and no other money for implementation of remediation plans has been allocated. Therefore, although the program may exist, it cannot be relied upon as an alternative enforcement program to effectively address these issues in a timely matter.	The SWRCB staff have reevaluated all of the recommendations related to the BPTCP sites. The revised analysis has been included in the fact sheets. Please also refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.8.11	The commenter recommended listing Los Angeles Harbor-Consolidated Slip for cadmium in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1). However, Region 4 must argue that responsible parties have not been identified, staff funding has not occurred since 1999, and no other money for implementation of remediation plans has been allocated. Therefore, although the program may exist, it cannot be relied upon as an alternative enforcement program to effectively address these issues in a timely matter.	Please refer to the response to Comment No. 4.8.10.	Yes	Volume II, Region 4
4.8.12	The commenter recommended listing Los Angeles Harbor-Consolidated Slip for copper in sediment but the SWRCB recommended that the water body be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1). However, Region 4 must argue that responsible parties have not been identified, staff funding has not occurred since 1999, and no other money for implementation of remediation plans has been allocated. Therefore, although the program may exist, it cannot be relied upon as an alternative enforcement program to effectively address these issues in a timely matter.	Please refer to the response to Comment No. 4.8.10.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.13	The commenter recommended listing Los Angeles Harbor-Consolidated Slip for mercury in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(I). However, Region 4 must argue that responsible parties have not been identified, staff funding has not occurred sin 1999, and no other money for implementation of remediation plans has be allocated. Therefore, although the program may exist, it cannot be relied upon as an alternative enforcement program to effectively address these issues in a timely matter.	Please refer to the response to Comment No. 4.8.10.	Yes	Volume II, Region 4
4.8.14	The commenter recommended listing Los Angeles Harbor-Consolidated Slip for nickel in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(I). However, Region 4 must argue that responsible parties have not been identified, staff funding has not occurred sin 1999, and no other money for implementation of remediation plans has be allocated. Therefore, although the program may exist, it cannot be relied upon as an alternative enforcement program to effectively address these issues in a timely matter.	The data do not support placing nickel on the section 303(d) list for this water body. Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.8.15	The RWQCB recommended listing Los Angeles Harbor-Consolidated Slip for dieldrin in tissue but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(I).	Please refer to the response to Comment No. 4.8.10.	Yes	Volume II, Region 4
4.8.16	Recommended listing Los Angeles Harbor-Consolidated Slip for toxaphene in tissue but the SWRCB recommended that the water body be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(I).	Please refer to the response to Comment No. 4.8.10.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.17	Recommended listing Dominguez Channel Estuary for copper in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1).	The data do not support placing copper on the section 303(d) list for this water body. Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.8.18	Recommended listing Dominguez Channel Estuary for chlordane in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1).	The data do not support placing chlordane on the section 303(d) list for this water body. Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.8.19	Recommended listing Dominguez Channel Estuary for PCBs in sediment but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the Bay Protection Toxic Cleanup Program already in place as allowed under 40 CFR 130.7(b)(1).	The data do not support placing PCBs on the section 303(d) list for this water body. Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.8.20	Recommended listing San Gabriel River Estuary for trash but the SWRCB recommended that the water body to be placed on the Watch List because there was an alternate enforcement program, namely, the NPDES Municipal Storm Water Permit already in place as allowed under 40 CFR 130.7(b)(1). However, the storm water permit distinguishes between areas with a Total Maximum Daily Load (TMDL) for trash and those without a TMDL for trash, and requires additional Best Management Practices (BMPs), in conformance with approved TMDLs, in those areas with a TMDL (Order 01-182, Permit Part 4.F.5(b)). Therefore, without an approved TMDL for trash for this waterbody, responsible agencies will not have to implement as stringent of requirements as areas subject to a trash TMDL under the storm water permit.	The data and information submitted do not support listing this water body for trash. The fact sheet has been revised to better explain the SWRCB staff review of the data and information.	Yes	Volume II, Region 4
4.8.21	The SWRCB recommends that Ballona Creek Estuary remain on the list for Aroclor in sediment but the RWQCB recommends delisting because this would be redundant since the water body is already listed for PCBs in sediment.	Agree. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.22	Based on additional data submitted, Arroyo Simi Reach 7 of Calleguas Creek should be listed for water column toxicity suspected to be caused by ammonia and organophosphate pesticides.	Agree. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.23	Based on additional data submitted, Conejo Creek Reach 9 of Calleguas Creek should be delisted for water column toxicity.	Agree. The fact sheet will be revised to include this information.	Yes	
4.8.24	The SWRCB recommended that Santa Clara River Reach 3 recommended for listing for Nitrite and Nitrate as Nitrogen be placed on the Watch List on the basis that the data did not support the listing. RWQCB staff reviewed the data once more and concluded that the water body should still remain on the list.	Agree. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.25	The commenter recommended that Marina Del Rey be delisted for benthic community degradation because none of the relative benthic index values at any of the stations sampled exceeded the threshold indicative of degraded benthic community. The SWRCB recommends that the water body remain on the 303(d) list.	Agree. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.26	The SWRCB recommended placing the Los Angeles River Estuary on the Watch List for PCBs in sediment and omitted the RWQCB recommendation to list the water body for zinc in sediment. This water body should be listed for PCBs and zinc in sediment based on exceeding the ERM and /or PEL guidelines.	Agree. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.27	The RWQCB recommended delisting Malibou Lake for total chlordane because the Maximum Tissue Residue Level (MTRLs) for chlordane was 8 ppb and the tissue concentrations were 6.2 ppb in 1992 and not detected in 1997. The SWRCB recommends that the water body remain on the list until more data are available.	There is insufficient information to support delisting this water body. The delisting recommendation from the RWQCB was based on one fish tissue sample collected in 1997.	No	
4.8.28	The RWQCB recommended listing Dominguez Channel Estuary for sediment toxicity but the SWRCB recommended placing the water body on the Watch List because the pollutant causing the sediment toxicity was unknown. PCBs, copper, and chlordane concentrations exceeded the sediment guidelines (ERM/PELs) in the sample, showing sediment toxicity.	There is insufficient information to support listing this water body. The RWQCB listing recommendation was based on one sediment sample collected in 1996.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.29	The RWQCB recommended listing Mugu Lagoon for benthic community degradation, however the SWRCB omitted this recommendation from the April 2002 draft report.	Since no pollutant was identified in sediment that could be expected to cause the degraded condition, SWRCB staff recommends excluding Mugu Lagoon from the list.	Yes	Volume II, Region 4
4.8.30	The RWQCB recommended listing McGrath Lake Estuary for benthic community degradation, however the SWRCB omitted this recommendation from the April 2002 draft report.	benthic community degradation is a condition of a water body and not a pollutant. It is therefor inappropriate to place this condition on the section 303(d) list. A fact sheet has been added to the Staff Report to reflect this recommendation.	Yes	Volume II, Region 4
4.8.31	The RWQCB recommended listing Los Cerritos Channel for sediment toxicity, however the SWRCB omitted this recommendation from the April 2002 draft report.	The fact sheet will be revised to include this information. The water body pollutant combination will be added to the section 303(d) list.	Yes	Volume II, Region 4
4.8.32	SWRCB recommended that Cold Creek be placed on the Watch List for algae because it was not clear what is the cause of the excessive algal growth. The RWQCB still recommends listing the water body for algae because on an international guideline document the algae growth violates the basin plan objective for floating material causing impairment of beneficial uses.	Excessive algae growth can be a response to a pollutant (excessive nutrients) or a response to the condition of the water body (i.e., lack of riparian vegetation that could shade the creek). Algae is not the pollutant. Cold Creek for algae growth will be placed on the Monitoring List.	No	
4.8.33	The SWRCB recommends that Malibu Creek be placed on the Watch List for total selenium because there were not enough samples exceeding the objective. The RWQCB recommends listing the water body because it matches the RWQCB's minimum data requirements and assessment criteria.	The samples exceeding were within the same time period (October, November and December) in 1998. Also there were only two of 21 samples exceeding the applicable standard. SWRCB continue to have low confidence that standards are exceeded.	No	
4.8.34	The commenter recommended listing Revolon Slough for chloride, boron, TDS, and sulfate. We are revising this recommendation on the basis that there are no water body specific objectives for these constituents in the Basin Plan.	The proposed listing for Revolon Slough for chloride, boron, TDS, and sulfate will be changed as indicated. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.35	The RQWCB inadvertently recommended listing the Los Angeles Harbor Consolidated Slip for arsenic in sediment, however arsenic did not exceed ERM/PEL sediment guidelines.	Los Angeles Harbor Consolidated Slip listing for arsenic in sediment will be changed as indicated. The fact sheet will be revised to include this information.	Yes	Volume II, Region 4
4.8.36	In four tissue listing recommendations for Conejo Creek, the RWQCB incorrectly indicated that the Reach to be listed was Calleguas Creek Reach 13. The correct Reach is Calleguas Creek Reach 9A. This correction affects the recommended listings for chlordane, dieldrin, HCH, and PCBs in tissue in Conejo Creek.	The fact sheet will be revised to include this information.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.8.37	SWRCB and RWQCB staff has come to an agreement regarding the following listing recommendations: List - Ballona Creek for total selenium, List - Conejo Creek (Calleguas Creek Reach 10 for nitrite as nitrogen, Watch List - Conejo Creek (Calleguas Creek Reach 9B for unnatural foam and scum, List - Calleguas Creek and tributaries for sedimentation, Do not List - Mugu Lagoon for dieldrin, List - Santa Clara Reach 3 for TDS, List Los Angeles River Reach 1 for dissolved cadmium, and Delist - Lake Lindero for selenium.	<p>Agree. The changes made follow.</p> <ol style="list-style-type: none"> 1. Ballona Creek was recommended for listing for total selenium due to exceedance in storm events. Please refer to the response to comments No. G.11.21 and G.11.23. 2. Conejo Creek (Calleguas Creek Reach 10) was recommended for listing for nitrite as nitrogen due to exceedances in nitrite. Also, the change was made to say the exceedances are in nitrite not nitrate. Please refer to the response to comments G.11.21 and G.11.23. 3. Conejo Creek (Calleguas Creek Reach 9B) were placed on the Monitoring List for unnatural foam due to the absence of an identified pollutant. Please refer to the response to comment G.11.21. 4. Calleguas Creek and tributaries was changed to reflect listing for sedimentation. Data provided was collected is only 3 years old, which is adequate. 5. Mugu Lagoon for dieldrin was recommended to be excluded from the list. This original listing was based on an incorrect fact sheet from RWQCB. 6. Santa Clara Reach 3 was recommended for a change to reflect exceedance in TDS. Please refer to the response to comment G.11.23. 7. Los Angeles River Reach 1 was changed to reflect listing the water body for exceedance in Title 22 exceedance in dissolved cadmium. Please refer to the response to comment G.11.23. 8. Lake Lindero was changed to reflect delisting the water body for selenium. 	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.9.1	During the 1998 and 2002 listing process the reaches in the Calleguas Creek Watershed were redefined. When the reaches were redefined in 1998, most of the listings in place from 1996 and earlier lists were automatically applied to all of the new reaches that used to be part of the earlier lists. The location of the sampling stations that were used to develop the list were not revisited to determine if the impairment applied to all the new reaches. In 2002 the reaches were defined again without examining the applicability of the existing listings to the new reaches. As a result there are a large number of listed reaches in the watershed for which there are no data to support the listing. The SWRCB and RWQCB should reevaluate the existing 303(d) listing based on the new reaches and revise the 303(d) list accordingly during the 2002 listing cycle.	Please refer to the response to Comment No. 4.9.2.	No	
4.9.2	As a result of the new reach definitions Conejo Creek (Calleguas Creek Reach 10) is the only reach where data exists to support listing for dissolved oxygen. All other Conejo Creek reaches should not be listed in the 2002 303(d) list for dissolved oxygen (Conejo Creek, Calleguas Creek Reach 9A, 9B, 11, 12, and 13).	The data in the 1996 WQA assessed data from what are now described as several reaches in the Conejo Creek area of Calleguas Creek. The sampling point that was found to be impaired was in what is now Calleguas Creek Reach 10. The data now show that this reach is not impaired, as do the data for Reaches 9A and 11. As Reach 9B is a tributary for Reach 9A, and Reaches 12 and 13 are tributaries for Reach 10, and none of these reaches had previous data showing standards are exceeded, they will be recommended for delisting. The fact sheets will be revised to include this information.	Yes	Volume II, Region 4
4.9.3	Calleguas Creek Watershed water bodies listed for TDS, Sulfate, Chloride, Boron, Nitrogen and Sodium Adsorption Ratio (SAR) should be reevaluated because the water bodies within the watershed will not exceed the water quality objectives if the objectives are based on "flow-weighted annual average" rather than an instantaneous maximum.	This footnote was removed in 1994, and therefore is no longer applicable.	No	
4.9.4	All reaches of Calleguas Creek Watershed were proposed for delisting for dacthal in tissue and sediment because the listings were based on EDLs. Beardsley Channel should be delisted for dacthal for the same reason.	No new data was submitted for the 2002 assessment. Delisting is proposed because EDLs are not valid listing assessment values. Please refer to response to Comment Nos. G.10.11 and G.11.12.	No	
4.9.5	Revolon Slough was proposed for delisting for dacthal but it was not included in the summary of all of the delistings for the state. Instead it is shown as a new listing on the addition summary sheet for the state. This discrepancy should be corrected.	The appropriate summary tables will be revised to include this information.	Yes	Volume I, Tables

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.9.6	Beardsley Channel should be delisted for Chlorpyrifos because the listing was based on EDLs.	Please refer to the response to comment G.11.12.	No	
4.9.7	Conejo Creek Reach 4 and Reach 2 were proposed for delisting because of insufficient data for DDT, Endosulfan, Toxaphene, and Chem Group A but they do not appear in the 2002 delisting table.	Please refer to the response for Comment No. G.11.12.	No	
4.9.8	Calleguas Creek Reach 1 was proposed for delisting because of insufficient data for Chlordane, DDT, Endosulfan, Toxaphene, PCBs and Chem. Group A but they do not appear in the 2002 delisting table.	The recommendation is to maintain the listing for Chem Group A until alternate value guidelines are available. NAS guidelines are not outdated and these guidelines are useful in determining aquatic life protection. Also, please refer to the response to Comment No. 4.9.7.	No	
4.9.9	Beardsley Channel was proposed for delisting because of insufficient data for Chlordane, DDT, Dieldrin, Endosulfan, Toxaphene, and PCBs but they do not appear in the 2002 delisting table.	Please refer to the response to comment G.11.12.	No	
4.9.10	Mugu Drain was proposed for delisting because of insufficient data for Chlordane, DDT, Dieldrin, Endosulfan, Toxaphene, and PCBs but they do not appear in the 2002 delisting table.	Please refer to response to Comment No. G.11.12.	No	
4.9.11	Conejo Creek Reach 3 should be delisted for Toxaphene because existing data do not appear to exceed the criteria used for listing.	Please refer to response to Comment No. G.11.12.	No	
4.9.12	Mugu Lagoon should be delisted for Toxaphene because existing data do not appear to exceed the criteria used for listing.	Based on State Mussel Watch data, the listing appears to be justified.	No	
4.9.13	Several reaches of the Calleguas Creek Watershed were recommended for delisting for Chem Group A in fish tissue and the SWRCB maintained the listing. However, in the Rio de Santa Clara/Oxnard Drain #3, the SWRCB upheld the RWQCB's recommendation and delisted the water body. What is the justification for delisting some Chem Group A listings and not others in the watershed?	Please refer to response to Comment G.10.12. NAS guidelines are usable. Changes will be made to make the recommendations consistent.	Yes	Volume II, Region 4
4.9.14	In addition to Beardley Wash which was not proposed to be listed by the RWQCB for Chem group A, the SWRCB should be consistent throughout the Calleguas Creek watershed and delist all of the proposed Chem group A tissue listings.	Existing listings were not reviewed unless new data or information was submitted during 2002 listing cycle. Also, please refer to the response to Comment Nos. 4.5.4 and G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.9.15	The individual chlorinated pesticides belonging to the Chem Group A should be listed as appropriate on accepted MTRLs rather than maintaining a Chem Group A listing based on an outdated NAS criteria. In the Calleguas Creek watershed, many of these individual parameters have already been listed and several are proposed for listing in the 2002 list.	Please refer to the response to Comment Nos. 4.1.6 and 4.5.4.	No	
4.9.16	Data collected in 1998 and 1999 show that mercury and zinc CTR objectives are not being exceeded in Mugu Lagoon.	For these assessments, water body-pollutant combinations with fewer than 10 samples were considered insufficient to determine if standards are attained.	No	
4.9.17	Data collected in 1998 and 1999 show that selenium CTR objectives are not being exceeded in Revolon Slough.	Please refer to the response for Comment No. 4.9.16.	No	
4.9.18	The water quality data for the rest of the Calleguas Creek watershed (8 other stations each with 4 samples) shows that there are no metal impairments in the watershed. None exceeded a CTR criteria for metals.	Please refer to the response for Comment No. 4.9.16.	No	
4.9.19	Because the commenter does not have access to the data or to the sampling and analysis methods used to list, they cannot determine whether or not these data were valid in light of the new information about metal analysis. The data presented in this letter should be considered sufficient for demonstrating compliance with the CTR objectives and request that the listings for mercury and zinc in Mugu Lagoon and selenium in Revolon Slough be removed from then 2002 list.	For Mugu Lagoon, there are only 7 new data points and in relation to the guideline assessments we used for this listing cycle, this is insufficient data for new analysis. Please refer to the response for Comment No. 4.9.16.	No	
4.9.20	The commenter supports the Watch List because it provides the mechanisms for addressing water bodies and pollutants which may have a problem, but for which there is not enough information to proceed down the path of identifying an impairment and developing TMDLs. Additionally, the Watch List provides the opportunity to prioritize water bodies for monitoring , investigate the issues, and potentially address identified problems through mechanisms other than the TMDL process.	Comment acknowledged.	No	
4.10.1	The commenter strongly agrees with the use of a Watch List for water segments where there is insufficient information to support a 303(d) listing. They also support including water segments on the Watch List where there is a regulatory program in place to control pollutants but data are not available to demonstrate success.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.10.2	Place Dominguez Channel Estuary on the Watch List. There are plans to implement a sampling and analysis program to better define the conditions in the Dominguez Watershed.	Please refer to the response for Comment Nos. 4.8.17, 4.8.18, and 4.8.19.	Yes	Volume II, Region 4
4.10.3	Place Los Angeles Harbor-Consolidated Slip on the Watch List. There are plans to implement a sampling and analysis program to better define the conditions in the Dominguez Watershed.	Please refer to the response for Comment No. G.11.8.	No	
4.10.4	Weaknesses in the data serves as basis for placing a constituent in the Watch List. The staff report should specify when such findings are minimal, contradictory or anecdotal, or when an alternative program is in place.	The staff report has been revised to better explain what lists water bodies should be placed. Please also refer to the response for Comment No. G.11.11.	Yes	Volume I, Methodology Used to Develop the List
4.10.5	The draft 303(d) list does not indicate which methodology or guidance documents support the listing decision made by the SWRCB. This makes it very difficult for stakeholders to evaluate whether certain proposed listings are appropriate.	The methodology has been clarified. Please refer to the response to Comment No. G.11.21.	Yes	Volume I, Methodology Used to Develop the List
4.10.6	Because of the importance of a consistent statewide listing policy, the commenter supports the SWRCB in its development of the Water Quality Control Policy for use in drafting future 303(d) lists.	Comment acknowledged.	No	
4.10.7	A comprehensive review of the basis and validity of the 1998 list should have been conducted to ensure that the 1998 list was based on valid scientific data before the list was used as the basis for the 2002 list. The SWRCB include this comprehensive review of the 1998 listing as part of the methodology for developing the 2002 listing.	Please refer to the response to Comment No. G.11.12.	No	
4.10.8	In review of the ambient metals data from the Los Angeles County Stormwater Program between 1987 and 1994, they do not meet the current accepted sampling and analytical requirements for trace metals in surface waters. This data should not be used as a basis for listing the Dominguez Channel Estuary for metals.	Please refer to the response to Comment No. G.11.12.	No	
4.10.9	The SWRCB should review past practices and determine whether appropriate sampling and analytical techniques were used in generating the metals data for the 1998 listing of Dominguez Channel Estuary.	Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.10.10	The copper listing for Dominguez Channel Estuary should be included on the Watch List, if inappropriate analytical techniques were used to list.	Please refer to the response to Comment No. G.11.12.	No	
4.10.11	A comprehensive review of the 1998 listing basis including but not limited to Dominguez Channel sediment and tissue data for lead and zinc may identify other constituents where the data is insufficient for inclusion on the 303(d) list.	Please refer to the response to Comment No. G.11.12.	No	
4.11.1	Peninsula Beach should be placed on the Watch List for further evaluation. Beach posting as a basis for listing beaches should be reevaluated.	The data and information for beach postings and closures has been re-evaluated. Please refer to the response to Comment No. 4.11.3.	No	
4.11.2	The Surfer's Point Beach should be placed on the Watch List for further evaluation. Beach posting as a basis for listing beaches should be reevaluated.	The data and information for beach postings and closures has been re-evaluated. Please refer to the response to Comment No. 4.11.3.	Yes	Volume II, Region 4
4.11.3	Sampling results at two locations may reflect isolated activities of total coliform exceedances, only the section of the beach that is exceeding standards should be listed on the 303(d) list rather than the approximately 2-mile stretch of coastline referred to as San Buenaventura Beach.	<p>Several comments were received questioning the basis for the listings based on bacteria standards, beach postings, beach closures, and the consistency in approach among the RWQCBs. Instead of responding to each comment separately, the SWRCB and RWQCB staff reevaluated the information and data used to develop the proposed list.</p> <p>The inconsistency among the RWQCB approaches has been largely corrected. New recommendations have been made based on (1) the frequency of water quality standards being exceeded; (2) a consistent allowable exceedance rate; (3) a consistent approach for addressing permanent, precautionary, and rain advisory beach postings; (4) allowance for using enforcement authorities of the RWQCBs to address beach closures due to sewage spills; and (5) the extent of listed water body.</p>	Yes	Volume I, Methodology Used to Develop the List; Various fact sheets
4.11.4	The SWRCB should address the concept of wet weather exceedances of standards versus dry weather exceedances.	In general, if the data used were from one season then the listing only applies to that season. Also, please refer to the response to Comment No. G.11.21.	No	
4.11.5	The data for Seaside Park and San Buenaventura Beaches should be closely evaluated in the future to ensure that the listings are still appropriate after more data is collected.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.11.6	The RWQCB staff report (table 4-2) scheduled several beaches for TMDL development by 2014. However, the RWQCB fact sheets combined Peninsula beach and Surfer's Point with Rincon Beach and Ormond Beach and stated that TMDLs for this grouping would be developed by 2003. The City beaches, Peninsula and Surfer's point belong to a different watershed than Rincon and Ormond beaches. If the City beaches remain on the list, they should be distinguished from other beaches coming from a separate analytical watershed unit. The City beaches should be clearly scheduled for TMDL completion in 2014 as presented in the RWQCB staff report.	In some cases, sites are considered individually in the TMDL for both the source analysis and the implementation plan, despite being in a single analytical unit.	No	
4.11.7	The SWRCB should clarify whether the procedures used in the 2002 listing cycle represent a change in listing policy or are specific for some reason or a pollutant is identified to the listings. If the comments represent a change in listing policy, the SWRCB should reevaluate the algae and eutrophication listings for the Ventura River and its Estuary.	The procedures used represent the collective judgement of the SWRCB staff. Pollutant identification is one of the criteria used to listing a water bodies on the 2002 303(d) list. The listing requirements will be addressed in the listing policy. Also, please refer to the response to Comment No. G.11.21.	No	
4.11.8	Santa Clara River Estuary was recommended for delisting for Chem group A in fish tissue but the SWRCB maintained the water body on the list. However, the SWRCB upheld the RWQCBs recommendation and delisted the Rio de Santa Clara/Oxnard Drain #3. The SWRCB should be consistent throughout the Region and delist the Chem group A tissue listings.	Agree. The fact sheet and recommendation will be changed to state that Rio de Santa Clara/Oxnard Drain #3 will be maintained on the list.	Yes	Volume II, Region 4
4.11.9	The individual components of ChemA should be listed as appropriate based on accepted MTRLs rather than maintaining a Chem A listing based on outdated NAS criteria.	Please refer to the response to Comment Nos. 4.1.6 and 4.5.4.	No	
4.11.10	The commenter supports the creation of a Watch List which provide the mechanisms for addressing water bodies and pollutants which may have a problem, but there is not enough information for identifying an impairment and develop a TMDL. The Watch List provides the opportunity to prioritize these water bodies for monitoring, investigate the issues and potentially address identified problems through mechanisms other than the TMDL process.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.12.1	Delist Mandalay Beach from the proposed 303(d) list. In accordance with "The Recreational Use Assessment Guidelines", during the past three years water contact recreation has been fully supported because there have been no beach closures during that time period.	In light of this new information, it is recommended that the beach be removed from the section 303(d) list for beach closures. A fact sheet has been developed to reflect this information.	Yes	Volume II, Region 4
4.13.1	Change McGrath Lake Estuary name as it appears on the 2002 303(d) list to McGrath Lake. The water body is listed as McGrath Lake on the Basin Plan and it is not an estuary.	The change has been made.	Yes	Volume II, Region 4
4.14.1	The commenter applauds the decision of the RWQCB for zero tolerance of trash in the Los Angeles River. Please do not back down from this decision, in fact you should extend it to Ballona Creek as well.	Comment acknowledged.	No	
4.15.1	Dry Canyon Creek of the L.A. River was listed due to high fecal coliform levels affecting the intermittent REC-1 beneficial use. However, access to some segments of this waterbody is prohibited for flood control purposes. The application of use-intensity based bacteria objectives as recommended by the USEPA's Ambient Water Quality Criteria (1986) will allow dischargers to better protect water quality at the truly needed level, ensuring responsible and accountable management of public resources.	Please refer to the response to Comment No. 9.7.1.	No	
4.15.2	Coyote Creek listed due to total metals and/or dissolved metals be placed on the Watch List until the adequate number of samples that represents water quality during dry weather is available for assessment. Ambient data was collected only during wet weather storm events.	The available data for each water body-pollutant combination were sufficient to be used for the assessment period and did not meet water quality standards. In the event that more representative data is made available, these water bodies will be re-assessed during the next assessment period. A general assessment of the effect of seasonality was completed in the development of the listing recommendation. The specific assessment of seasonality and critical conditions for pollutants will be addressed during the TMDL process.	No	
4.15.3	Malibu Creek listed due to total metals and/or dissolved metals be placed on the Watch List until the adequate number of samples that represents water quality during dry weather is available for assessment. Ambient data was collected only during wet weather storm events.	Please refer to response to the Comment No. 4.15.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.15.4	San Gabriel River listed due to total metals and/or dissolved metals be placed on the Watch List until the adequate number of samples that represents water quality during dry weather is available for assessment. Ambient data was collected only during wet weather storm events.	Please refer to the response to Comment No. 4.15.2.	No	
4.15.5	Los Angeles River listed due to total metals and/or dissolved metals be placed on the Watch List until the adequate number of samples that represents water quality during dry weather is available for assessment. Ambient data was collected only during wet weather storm events.	Please refer to the response to Comment No. 4.15.2.	No	
4.15.6	Ballona Creek listed due to total metals and/or dissolved metals be placed on the Watch List until the adequate number of samples that represents water quality during dry weather is available for assessment. Ambient data was collected only during wet weather storm events.	Please refer to the response to Comment No. 4.15.2.	No	
4.15.7	Based on our review of the RWQCB's data analysis fact sheets, it appears that there was no consistent approach to evaluating laboratory results for chemical constituents below detection limits. It is requested that such inconsistencies be rationalized and any other water bodies with similar situations be re-evaluated.	The approach for addressing detection limits was based on a case-by-case assessment of the types of data available. For example for the Los Angeles Region data, results below the method detection limit (MDL) or reporting level (RL) were assigned a value of ½ of the MDL or RL. For bacteria data, the lower or upper analytical threshold was used for less than or greater than values, respectively. If results were reported as zero (0), a zero value was used.	No	
4.15.8	Water bodies that are considered impaired for Aquatic life and REC-1 due to natural sources (high bacteria counts due to a large population of waterfowl) should be placed on the Watch List until the source of pollution is further investigated.	Natural sources should be excluded but it is often very difficult to distinguish between sources that are of natural origin and sources caused by or influenced by human activity. Please refer to the response to Comment No. G.11.5.	No	
4.15.9	The SWRCB should release a list of all alternate enforceable programs and establish a criteria for their use to correct impairments. Also, these alternate programs should be extended to other existing water quality control projects under Municipal Storm Water NPDES permits.	Please refer to the response to Comment No. G.11.8.	Yes	Volume I, Methodology Used to Develop the List
4.16.1	The Rio Hondo spreading grounds are managed to infiltrate water to the ground water table for future reuse, not for water contact and/or non-contact water recreation.	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.17.1	The commenter appreciates the fact that both SWRCB and RWQCBs staff have been willing to meet with interested parties to discuss the list as it was being developed. A collaborative process can really enhance the development of the list, since stakeholders often have a great deal of on-the-ground knowledge about particular water bodies.	Comment acknowledged.	No	
4.17.2	The SWRCB 303(d) list should only include water quality limited segments for which TMDLs are required.	Please refer to the response to comment G.11.11.	Yes	Volume I, Methodology Used to Develop the List
4.17.3	A Watch List is necessary to identify those water bodies in need of further monitoring or special studies to more accurately determine their status. Water bodies placed on a Watch List because insufficient information should receive high priority for monitoring or further study before the next update of the 303(d) list occurs.	Please refer to the response to Comment No. G.10.6.	No	
4.17.4	There should be a careful review of listings where the listings are based on a single sample or very limited data because such a review may demonstrate that it may be appropriate to place some of these listings on the Watch List.	Agree. Please refer to the response to Comment Nos. G.10.1 and G.10.6.	No	
4.17.5	Formal criteria for placing water bodies on the Watch List should be included as part of the listing and delisting policy under development.	Please refer to the response for Comment No. G.8.3.	No	
4.17.6	The commenter supports the creation of a list of water bodies with completed TMDLs, that will also track those water bodies where TMDLs have been implemented but water quality standards have not yet been attained.	Comment acknowledged.	No	
4.17.7	The SWRCB should include a reevaluation of listing function that would access listings when exceedances of water quality standards was not used as the basis for listing.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.17.8	The 1998 303(d) list formed the basis for the 2002 303(d) submittal. The SWRCB staff did not undertake a comprehensive review of the 1998 list. While the workload challenges involved in reviewing effort, it is the SWRCB obligation to do so in order to prepare an appropriate and scientifically-based 2002 list submittal. Without this review, inconsistencies from one place to another, will occur, delays while listing and TMDL development efforts will be challenged, and misdirection of resources will occur.	Please refer to the response to Comment No. G.11.12.	No	
4.17.9	Santa Clara River Reach 8 should be removed from the 303(d) list as impairment due to nitrate and nitrite. No data supporting the listing was found from review of the administrative record. In addition, current data clearly shows that the water quality objective for nitrate and nitrite is being met and the water body is not impaired.	Please refer to the response for Comment No. G.11.12.	No	
4.17.10	Santa Clara River Reach 8 should be removed from the 303(d) list as impaired due to organic enrichment/low dissolved oxygen. Current water quality data shows that the basin plan water quality objective for dissolved oxygen is being attained.	Please refer to the response for Comment No. G.11.12.	No	
4.17.11	Coyote Creek listed for ammonia should be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.17.12	The San Gabriel River Estuary listed for ammonia be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.17.13	The San Gabriel River Reach 1 and 2 listed for ammonia should be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.17.14	The San Jose Creek Reach 1 and 2 listed for ammonia should be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.17.15	The Santa Clara River Reach 7 and 8 listed for ammonia be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.17.16	Rio Hondo Reach 1 and 2 listed for ammonia should be removed from the 303(d) list and be placed on the Watch List because an alternative enforcement program is already in place to address ammonia impairments for this water body.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.18.1	The SWRCB should consider mandating a comprehensive review of all Basin Plans as a means of insuring the integrity of the 303(d) list. The last comprehensive revision of RWQCB Basin Plan was in 1994 and as a result the Basin Plan has designated fishing and swimming beneficial uses for flood channels.	Please refer to the response to Comment No. 9.7.1.	No	
4.18.2	California needs to formally adopt a listing policy that promotes fairness and consistency among the Regions. The policy should establish requirements for the entire listing process, to assure sound science in the listing process. Also the policy should provide SWRCB priorities, so that limited public resources can be devoted to working first priorities first. A 303(d) listing process and a list that will not waste public resources and provide solid evidence to back up the cities in order to demonstrate to residents and businesses, that new taxes and fees for water quality improvements are justified and the clean up measures are effective.	Please refer to the response to Comment Nos. G.8.2 and G.8.3.	No	
4.19.1	Place LA River Estuary for lead, chlordanes and DDT on the Watch List instead of the on the 303(d) List. These pollutants are listed because of their persistence in sediments. It would be impossible to establish valid TMDLs for legacy pollutants. These pollutants cannot be controlled by regulating current stormwater discharges. It may be the USEPA responsibility to deal with the persistent compounds through a separate program.	These water body-pollutant combinations should be placed on the section 303(d) list because applicable standards are exceeded and the problem is likely due to pollutants.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.20.1	The commenter is concerned that several listings on the 1998 303(d) list were not adequately reviewed or explained. It appears that the pollutants which caused abnormal fish histology, algae, and high coliform counts were not identified in the 1998 list. It is suggested to use the same review process in the current listing cycle, also be used in the 1998 list for the lower portions of the San Gabriel River (Estuary and/or Reach 1).	Please refer to the response to comment G.11.12.	No	
4.20.2	The RWQCB should review the beneficial use designation in the flood channels (i.e. Coyote Creek and San Gabriel River Estuary). These designation may be outdated and as a result have current inappropriate listings for the wrong beneficial use impacts.	Please refer to the response to Comment No. 9.7.1.	No	
4.21.1	A Watch List should be adopted for water bodies where there is insufficient data to warrant a 303(d) listing. According to a statement from the National Research Council, "Elevated data and evidence of violation of narrative standards should not be exclusively used for placement of a water body on the action list, but is useful for placement of the preliminary list." The Watch List will provide the SWRCB and RWQCBs with the mechanism for examining water bodies for possible future action.	Please refer to the response to Comment No. G.11.11.	Yes	Volume I, Methodology Used to Develop the List
4.21.2	The commenter appreciates the introduction of the following delisting factors into the 2002 303(d) listing process: (1) delisting when an alternative enforceable program is in place; (2) delisting water bodies based solely on the EDLs; (3) delisting when exceedances are caused due to natural causes.	Comments acknowledged.	No	
4.21.3	In a number of instances specific pollutants were not identified. Without details on the specific pollutants or consistency of impairment designation, such listings remain arbitrary and without legal support. The Clean Water Act 303(d) list requires a description of the pollutant causing the violation of water quality standards.	Comment acknowledged.	No	
4.21.4	General "conditions" of impairment such as beach closures, toxicity, color, degraded benthos, turbidity, eutrophication, and benthic community degradation are not pollutants causing impairments and are thus inappropriately triggering the development of TMDLs. These listings should be placed on the Watch List.	Please refer to the response to Comment Nos. 4.26.4 and G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.21.5	Any listing related to an MUN designation that is asterisked on table 2-1 in the 1994 Basin Plan should be removed from the 2002 list based on USEPA's recent approval of entire 1994 Basin Plan amendment (i.e., based on the U.S. Central District Court's decision that U.S.EPA acted arbitrarily in designating MUN uses for such water bodies).	Please refer to the response to Comment No. 4.3.1.	No	
4.22.1	The commenter supports proposal for a Watch List.	Comment acknowledged.	No	
4.22.2	Move all vague listings to the Watch List until more information is available to support the listings. In the 1998 303(d) list, the LA River, Reach 2 and Rio Hondo, Reach 1 are listed for a number of specific pollutants and general conditions, as well as for trash. A detailed review of these listings should be done in order to understand the existing uses of the channels that are impaired and the data that supports the listings.	Please refer to the response to Comment No. G.11.12.	No	
4.23.1	Place the Rio Hondo on the Watch List or delete it for high coliform counts, until the sources are identified. Also, the SWRCB should specify impairment for water rather than implicating them by reference. The City of Arcadia washes are not specifically listed as impaired. However, due to a tributary rule, they could be included in regulatory actions for Rio Hondo and the Los Angeles River, as a result of their drainage passing through those waterways before reaching the ocean. In addition, the Rio Hondo spreading grounds are managed to infiltrate water to the ground table for future reuse, not for water contact or non-contact recreation.	Please refer to the response to Comment No. 9.7.1. Generally, beneficial uses upstream are as sensitive as downstream beneficial uses. Therefore, the segments identified at the Rio Hondo and the Los Angeles River would have the same beneficial use implications. Sources will be more clearly identified when the TMDL is developed. Waters should remain on the list even if sources are not identified.	No	
4.24.1	The commenter supports the placement of Dominguez Channel Estuary on the Watch List for chlordane, copper, PCBs, and unknown pollutants. Chlordane and PCBs are historical pollutants placement on the Watch List will allow time to see if their concentrations and possible adverse impacts are reduced through time.	Comment acknowledged.	No	
4.24.2	Listing Dominguez Channel Estuary (The Estuary to Vermont Ave. and above Vermont Ave.) is inappropriate. Dominguez Channel is not a swimming hole; it is a flood control channel with no legal recreational use. In 1998 the water body was listed as a low priority TMDL for High Coliform Counts. It the water body has to be listed at least a low priority would make more sense.	Please refer to the response to Comment Nos. G.11.12 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.24.3	"High coliform count" is not clearly defined. If the interested in human pathogens, it may be better served to use a better measurement than "high coliform count."	At present the standards are based on these and other indicators. Bacterial standards are contained in the Boards' Basin Plans and statewide Plans as well as in the California Code of Regulations.	No	
4.25.1	The proposed Watch List will permit identification of pollutants before spending money developing and implementing TMDLs.	Comment acknowledged.	No	
4.25.2	The 1998 303(d) list shows San Jose Creek as being impaired for algae and high coliform count. The proposed 2002 list merely carries forward these listings without any apparent re-examination to identify pollutants. These listings should be moved to the Watch List so that the existence of actual impairments to beneficial uses can be determined.	Please refer to the response to Comment No. G.11.12.	No	
4.25.3	San Gabriel River Reach 3 was listed in the 1998 303(d) for toxicity. The listing was carried forward to the 2002 list without identifying the pollutant(s). This listing should be added to the Watch List until the pollutant(s) causing toxicity is/are identified.	Please refer to the response to Comment No. G.11.12.	No	
4.25.4	Coyote Creek was listed in the 1998 303(d) list for abnormal fish histology, algae and high coliform count. The listings was carried forward to the 2002 list without identifying the pollutant(s). This listing should be added to the Watch List until the pollutant(s) causing abnormal fish histology, algae and high coliform count is/are identified.	Please refer to the response to Comment No. G.11.12.	No	
4.26.1	Many water bodies in the Los Angeles region that are designated for water contact recreation (REC-1) beneficial use are gated and fenced and have restricted public access. Despite the fact that recreation on these water bodies is less likely to occur due to restricted public access, impairment determinations were made on the basis of REC-1 Beneficial Use.	Please refer to the response for Comment No. 9.7.1.	No	
4.26.2	Chronic water quality criteria for aquatic life beneficial use were inappropriately used to determine impairments for total and dissolved metals in concrete-lined channels. The use of acute criteria is more appropriate for these types of water bodies. The SWRCB and RWQCBs should conduct a study to access the feasibility of attainment of aquatic life beneficial use in concrete-lined channels.	Please refer to the response for Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.3	The SWRCB should re-investigate those water bodies marginally surpassed the exceedance criteria for impairment and place them on the Watch List until sufficient data and information is developed to support listing.	If water quality standards were exceeded they were place on the list. Please refer to the response to Comment Nos. G.10.6 and G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.4	The SWRCB should include on its Watch List water bodies that were impaired due to pH, odor, eutrophication, dissolved oxygen, and toxicity until the causes of these impairments are identified.	<p>Several of these types of indicators are defined as pollutants in the Clean Water Act or federal regulations. The indicator "pH" is specifically defined as a "conventional" pollutant in CWA section 304(a)(4), along with BOD, suspended solids, fecal coliform, and oil and grease. In addition, "heat" is included in the definition of pollutant at 40 CFR 122.2, and temperature is the measure of heat.</p> <p>Federal regulation (40 CFR 130.7(b)(1)) requires listing of all waters that do not meet any applicable water quality standards (taking into consideration the effectiveness of certain existing technology based controls). Note that 40 CFR 130.7(b)(3) defines applicable water quality standards to include "numeric criteria, narrative criteria, waterbody uses, and antidegradation requirements." Therefore, if a water exceeds any water quality standard adopted and approved pursuant to Section 303, and the technology based control provision is inapplicable, the normally the water body will be listed. The only remaining finding concerns the issue of whether the standards violation is caused in whole or in part by the presence of one or more pollutants.</p> <p>EPA has consistently interpreted the Clean Water Act and its implementing regulations as requiring 303(d) listing of waters impaired by pollutants or characteristics of pollutants. For example, in 1978 EPA stated that "the determination of TMDLs for parameters which indicate the presence of pollutants... can be useful in certain situations and should not be excluded from consideration." (43 FR 60662, December 28, 1978).</p> <p>Dissolved oxygen, turbidity, and temperature are direct water column measures of water quality characteristics addressed by water quality standards and which in excessive or insufficient amounts, cause direct impairment of aquatic life, drinking water, and recreational/aesthetic beneficial uses.</p> <p>The 2002 U.S.EPA Integrated Report Guidance contemplates the situation where there is evidence of impairment but some question about whether a pollutant is causing or contributing to the impairment. The guidance explains that "If a state or territory determines that an [water body] does not meet a use based on biological information, and the impairment is caused or is suspected to be caused by a pollutant(s), the AU</p>	Yes	Volumes II and III, several fact sheets related to low dissolved oxygen

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		<p>[assessment unit] should be listed in Category 5 [I.e. the section 303(d) list]. If the state or territory believes that the impairment is not caused by a pollutant(s), the AU should be listed in Category 4c [i.e. the list with waters that do not meet water quality standards and the problem is not due to a pollutant]."</p> <p>Changes have been made in several fact sheets related to dissolved oxygen to reflect whether pollutants are or contribute to the identified problem.</p>		
4.26.5	It is unclear on the criteria used for an alternate program to be considered acceptable for the correction of impairment. The SWRCB should release a list of all alternate enforceable programs and establish the criteria for their use to correct impairments.	Please refer to the response to Comment No. G.11.8.	Yes	Volume I, Methodology Used to Develop the List
4.26.6	Water bodies that are highly likely to be impaired due to natural sources should be placed on the Watch List until the source of the pollution is further investigated.	Please refer to the response to Comment No. G.11.5.	No	
4.26.7	There was no consideration given to the seasonal variation in water quality throughout the water quality assessment process. Such consideration is essential for accurately characterizing and understanding water body conditions of a water body.	Please refer to the response to Comment No. G.11.21.	No	
4.26.8	Clarification on how laboratory analytical results below detection limits (non-detects) should be used in water quality assessment. It appears that there was no consistent approach used for evaluating non-detects.	Please refer to the response for Comment No. 4.15.7.	No	
4.26.9	The commenter recommends, that if the corresponding hardness data is not available to determine the appropriate objective for dissolved metals, such data should be excluded from the water quality assessment until the necessary hardness data is collected.	A value of 400 mg/L hardness is the default value prescribed in the California Toxics Rule.	No	
4.26.10	The requirement of a minimum of ten data points over a three year period for water quality assessment is inadequate for impairment determinations. More data should be analyzed over a longer period of time to reflect long-term seasonal and hydrologic patterns in water quality.	Please refer to the response to Comment No. G.11.18.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.11	Fact sheets were only developed for water bodies added to or deleted from the existing 1998 303(d) list. The SWRCB and RWQCBs should prepare fact sheets for the water bodies in the 303(d) list that are not added or deleted, but have new water quality data and information collected during the listing cycle. By not producing fact sheets for those water bodies, stakeholders would not know if data collected during the listing cycle support and re-affirm existing listing decisions made in 1998.	Please refer to the response to Comment Nos. G.11.4 and G.11.12.	No	
4.26.12	Los Angeles River Reach 1 should be placed on the Watch List for total aluminum because: (1) Analysis was based on samples collected only during storm events; (2) Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	Please refer to the response to Comment No. 4.15.2.	No	
4.26.13	Los Angeles River Reach 1 should be placed on the Watch List for dissolved zinc because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.14	Los Angeles River Reach 1 should be placed on the Watch List for dissolved copper because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.15	Los Angeles River Reach 1 should be placed on the Watch List for dissolved cadmium because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.16	Dry Canyon Creek - Los Angeles River Watershed Reach 2 should be delisted for fecal coliform because recreation is less likely to occur in some segments of this reach due to restricted public access.	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.17	Dry Canyon Creek - Los Angeles River Watershed Reach 2 should be placed on the Watch List for total selenium because chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments.	Please refer to the response to Comment No. 9.7.1.	No	
4.26.18	San Gabriel River Watershed Reach 2 should be placed on the Watch List for dissolved zinc because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Most exceedances occurred during the 97-98 storm season due to El, Niño effects; 3. Only 13% of samples exceeded the water quality objective.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.19	San Gabriel River Watershed Reach 2 should be placed on the Watch List for dissolved copper because; 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Most exceedances occurred during the 97-98 storm season due to El, Niño effects	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.20	Coyote Creek - San Gabriel River Watershed should be paced on the Watch List for dissolved zinc because; 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.21	Coyote Creek - San Gabriel River Watershed should be paced on the Watch List for dissolved copper because; 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.22	Coyote Creek - San Gabriel River Watershed should be paced on the Watch List for dissolved lead because; 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El, Niño effects.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.23	Coyote Creek - San Gabriel River Watershed should be placed on the Watch List for total selenium because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.24	San Jose Creek - San Gabriel River Watershed should be placed on the Watch List for pH because pollutants causing abnormal pH levels were unknown.	Please refer to the response for Comment No. 4.26.4.	No	
4.26.25	Ballona Creek Watershed should be placed on the Watch List for pH because pollutants causing abnormal pH levels were unknown.	Please refer to the response for Comment No. 4.26.4.	No	
4.26.26	Ballona Creek Watershed should be placed on the Watch List for dissolved zinc because: 1. Analysis was based on samples collected only during storm events; 2. Only 13% of samples exceeded the water quality objective.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment No. 4.15.2.	No	
4.26.27	Ballona Creek Watershed should be placed on the Watch List for dissolved copper because: 1. Analysis was based on samples collected only during storm events; 2. When no hardness data was available, the default value of 400 mg/l was used in the analysis to determine the objective for dissolved copper.	A value of 400 mg/L hardness is the default value prescribed in the California Toxics Rule.	No	
4.26.28	Ballona Creek Watershed should be placed on the Watch List for dissolved lead because: 1. Chronic water quality criterion for aquatic life was inappropriately used to determine impairment in concrete-lined segments; 2. Analysis was based on samples collected only during storm events, 3. Most exceedances occurred during the 97-98 storm season due to El Niño effects; 4. Only 13% of samples exceeded the water quality objective; 5. When no hardness data was available, the default value of 400 mg/l was used in the analysis to determine the objective for dissolved lead.	The data appears adequate to list this water body-pollutant combination. Please refer to the response to Comment Nos. 4.15.2 and 9.7.1.	No	
4.26.29	Malibu Lagoon - Malibu Creek Watershed should be placed on the Watch List for pH because pollutants causing abnormal pH levels were unknown.	Please refer to the response for Comment No. 4.26.4.	No	
4.26.30	Santa Clara River Reach 4 should be placed on the Watch List for pH because pollutants causing abnormal pH levels were unknown.	Please refer to the response for Comment No. 4.26.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.26.31	Santa Clara River Reach 3 should be placed on the Watch List for pH because pollutants causing abnormal pH levels were unknown.	Please refer to the response for Comment No. 4.26.4.	No	
4.26.32	Santa Clara River Reach 3 should be delisted for nitrite and nitrate as nitrogen because non-detected laboratory results were not included in the data assessment. If non-detects were considered, only 9.4% of the samples would have been above the water quality objective as opposed to 11%.	After reevaluating the data with the ND values at half the MDL, the recommendation has been changed . The water body should not be listed for this constituent. The fact sheet was revised to include this reevaluation of data.	Yes	Volume II, Region 4
4.26.33	Santa Clara River Reach 3 should be delisted for nitrite as nitrogen because non-detected laboratory results were not included in the data assessment. If non-detects were considered, only 7% of the samples would have been above the water quality objective as opposed to 17%.	When Regional Board staff reanalyzed the data set including ND values at half the MDL, the reach does not exceed. The fact sheet was revised to include this reevaluation of data.	Yes	Volume II, Region 4
4.26.34	McGrath Lake should be placed on the Watch List for fecal coliform because further investigation is needed to determine if the fecal coliform source originates from natural sources.	Please refer to the response to Comment No. G.11.5.	No	
4.27.1	The commenter encourages the SWRCB to disregard out of context discharger arguments to de-designate beneficial uses as part of the 303(d) listing process.	Please refer to the response to Comment No. 9.7.1.	No	
4.27.2	The commenter strongly supports the SWRCB's use of the 1998 303(d) list as a basis for the 2002 list. It is illegal to place any waters from the 1998 list on the 2002 Watch List.	Comment acknowledged.	No	
4.27.3	The commenter supports the SWRCB's additions to the 303(d) list.	Comment acknowledged.	No	
4.27.4	The commenter supports the listing of Malibu Creek on the 303(d) list for sediment. Habitat destruction due to excess sediment in runoff has been a chronic problem for years.	Comment acknowledged.	No	
4.27.5	The commenter does not support the SWRCB's proposed actions to list impaired water segments on three separate lists: the Watch List, Section 303(d) List, and the TMDL Completed List.	Please refer to the response to Comment No. G.11.11.	No	
4.27.6	The commenter does not support the Watch List, especially Watch Listing based upon whether pollutant(s) causing an impairment are known, or whether there is an alternative enforceable program(s) in progress, or whether there is a TMDL in progress.	Please refer to the response to Comment No. G.10.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.27.7	The commenter does not support a separate list of "TMDL completed". There is no basis in the CWA for delisting a water body simply because a TMDL has been written. The CWA mandates that impaired waters be listed; it does not grant EPA authority to allow states to remove waters from the list while impairments continue.	Please refer to the response to Comment No. G.11.11.	No	
4.27.8	Given the available data that clearly demonstrate sedimentation impairment, the commenter does not support Watch Listing of Calleguas Creek for sediment. The commenter and others have submitted significant data about sediment impairments in this watershed.	The fact sheet has been revised to reflect this comment. Please refer to the response to Comment No. 4.8.37.	Yes	Volume II, Region 4
4.27.9	The commenter does not support the Watch Listing Conejo Creek Reach 9B - Calleguas Creek Watershed for unnatural foam and scum, based solely upon the fact that the pollutant(s) that caused impairment was not identified. The SWRCB should revise its 2002 303(d) list to include this impaired water body on the 303 (d) list.	Please refer to response to Comment Nos. 4.8.37 and G.10.21.	No	
4.27.10	The commenter does not support Watch Listing Malibu Cold Creek for algae, based on the fact that the pollutant(s) that caused impairment was not identified. The SWRCB should revise its 2002 303(d) list to include this impaired water body on the 303(d) list.	Please refer to the response to Comment No. 4.8.32.	No	
4.27.11	The commenter does not support Watch Listing Dominguez Channel for toxicity, based solely on the fact that the pollutant(s) causing impairment was not identified. The SWRCB should revise its 2002 303(d) list to include this impaired water body on the 303 (d) list.	Please refer to the response to Comment No. G.11.8.	No	
4.27.12	The commenter opposes Watch Listing L.A. Harbor-Consolidated Slip for arsenic, cadmium, copper, mercury, nickel, dieldrin, and toxaphene on the basis that an alternative program (BPTCP) is in progress. The list should be revisited when placing the water body on the 2002 303(d) list.	Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4
4.27.13	The commenter opposes Watch Listing McGrath Lake Estuary for dieldrin on the basis that an alternative program (BPTCP) is in progress. The list should be revisited when placing the water body on the 2002 303(d) list.	Please refer to the response to Comment No. G.11.8.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.27.14	The commenter opposes Watch Listing Dominguez Channel for copper on the basis that an alternative program (BPTCP) is progress. The list should be revisited when placing the water body on the 2002 303(d) list.	Please refer to the response to Comment No. G.11.8	Yes	Volume II, Region 4
4.27.15	The commenter opposes Watch Listing Dominguez Channel Estuary for Chlordane and PCPs on the basis that an alternative program (BPTCP) is in progress. The list should be revisited when placing the water body on the 2002 303(d) list.	Please refer to the response to Comment Nos. G.11.8 and G.10.9.	Yes	Volume II, Region 4
4.27.16	The commenter opposes Watch Listing San Gabriel River Estuary for trash on the basis that an L.A.NPDES Stormwater Permit exists. The list should be revisited when placing the water body on the 2002 303(d) list.	Please refer to the response for Comment No. 4.8.20. The trash information for the estuary were reevaluated and the water body is now recommended for placement on the Monitoring List.	Yes	Volume II, Region 4
4.27.17	The commenter opposes delisting on the basis that a TMDL is complete and recommends revisiting the list to take waters off the TMDL completed list and place them on the 303(d) list.	Please refer to the response to comment G.11.11.	No	
4.27.18	The commenter recommends that in absence of proof, where Calleguas Creek Arroyo Simi Reach 7 impaired for toxicity is not caused by pollutants, the SWRCB should place this water segment on the Section 303(d) list for toxicity.	Please refer to the response for Comment No. 4.8.22.	Yes	
4.27.19	On page 4, Volume I of the Draft Report "source of pollutant" (listing factor #12) should be deleted from the list of factors that the staff says they "considered in making considerations".	Please refer to the response to Comment No. G.10.9.	No	
4.27.20	On page 4, Volume I of the Draft Report "availability of an alternative enforceable program" (listing factor #13) should be deleted from the list of factors that the staff says they "considered in making considerations".	Please refer to the response to Comment No. G.10.9.	No	
4.27.21	The commenter is pleased that the SWRCB chose to list Ballona Creek for Chem Group A after the RWQCB recommended delisting on the basis of outdated NAS guidelines.	Comment acknowledged.	No	
4.27.22	The commenter appreciates that the SWRCB staff provided the opportunity for public participation in the creation of the 2002 303(d) list.	Comment acknowledged.	No	
4.27.23	The commenter supports the conclusion that "once it has been shown that standards are achieved and/or beneficial uses are being attained the water bodies will be removed from the list".	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.27.24	Significant concern with the Watch List is the lack of funds for RWQCBs to do the monitoring necessary to get waters off a Watch List. If the State is going to support a Watch List, it is essential that adequate funding be available to support RWQCBs in evaluating waters for inclusion on the 303(d) list as soon as possible.	Please refer to the response to comment G.10.2.	No	
4.27.25	The SWRCB should add a column to the Draft Report Volume I, table 2 that briefly describes the reason for the delisting; these reasons should be made readily available to the concerned public.	Please refer to the response to comment G.10.8.	Yes	Volume I, Table 2
4.27.26	Clarification of the discussion in Volume I, Page 5 the "size affected " values for the 1998 list may change in the 2002 list because of new Geo WBS data. These changes must be summarized in a table in order to have meaningful public review and comment.	Please refer to the response to Comment No. G.10.15.	Yes	
4.27.27	"SWRCB Review of the RWQCB Recommendation" Volume I Page 3, states that "the data and information used to support the placement of these waters on the Watch List are described in the RWQCB staff report". What the Draft report doesn't say is the majority of that information can be found only in the administrative Record in Sacramento.	The reasons for placement on the Monitoring List are contained in fact sheets or in a separate table of Monitoring List recommendations.	Yes	Volume II, Volume III, Volume VI, Methodology used to develop the List.
4.27.28	There is no guidance on what "insufficient information" means when used to place a water body on the Watch List.	Please refer to the response to Comment No. G.10.6.	No	
4.27.29	The commenter is concerned about 36 water segments proposed for delisting based on EDLs levels. Greater clarification in the narrative is needed to explain that the delisting of water segments based on EDLs only eliminates the TMDL requirement as it relates to assuring healthy fish tissue in that segment.	Please refer to the response to comment G.10.11.	No	
4.27.30	It is not proper in the context of Section 303(d) to delist water segments that were originally listed based on EDLs unless affirmative information is offered to show that the water segment is not, in fact impaired.	Please refer to the response to comment G.10.11.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.27.31	The commenter is concerned about delisting of water segments based on either "outdated NAS guidelines," "no guidelines," or "no defensible guidelines". Delisting for these reasons is improper considering the CWA and its implement regulations' broad inclusion of water segments on the 303(d) list. The fact sheets regarding the delisting of these proposed water segments do not provide a statement of "good cause" for not including these water segments on the 303(d) list. Nor is there any discussion of other information or data that may reveal whether the water segments remain impaired.	Please refer to the response to Comment G.10.12.	No	
4.27.32	The commenter supports the State's commitment to develop a Listing Guidance policy as soon as possible.	Comment acknowledged.	No	
4.28.1	Please include new total and fecal coliform data for McGrath Beach in the 2002 303(d) list.	The fecal and coliform data do not cause the SWRCB or RWQCB staff to reevaluate the existing listing for high coliform count.	No	
4.28.2	Please include new total and fecal coliform data for McGrath Lake in the 2002 303(d) list.	Please refer to the response to Comment No. 4.28.1.	No	
4.28.3	The Santa Clara Estuary Beach/Surfer's Knoll was listed originally in the 1998 303(d) list for coliforms. Region 4 recommended delisting this water body. However, on the website, the Santa Clara Estuary Beach is recommended for delisting, but it's pseudonym, Surfer's Knoll is not shown in the 2002 list. Please correct this, so there is no confusion and no one thinks that Surfer's Knoll is still listed for coliforms.	The name of the water body has been changed in the fact sheet.	Yes	Volume II, Region 4
4.28.4	Please change the name or refer McGrath Lake Estuary to McGrath Lake. The McGrath Lake Estuary is not list as an estuary in the Region 4's Basin Plan.	The change has been made.	Yes	Volume II, Region 4
4.29.1	The RWRCB includes additional data which can be used to delist Mandalay Beach from the 303 (d) list for REC-1 Beneficial Use impairment due to beach closures from high coliform bacteria counts. This new data should be included in the 2002 303(d) analysis for a complete review of Mandalay Beach.	Please refer to the response to Comment No. 4.11.3.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.30.1	The commenter asks for support in integrating the CWA 303(d) list amendments with the McGrath Lake Watershed process. The integration of both efforts will optimize results from mutual efforts to achieve long-term, sustainable water quality improvements at McGrath Lake. The SWRCB should maintain the current "high" priority and the 2002 start date for the McGrath Lake pesticide/sediment TMDL and reject the recommendation to lower these TMDLs to "medium" priority and delay the start work until 2004.	Please refer to the response to comment G.11.9.	No	
4.30.2	The SWRCB should schedule the new McGrath Lake Fecal Coliform TMDL to coincide with the current Trustee Council's watershed process in order to allow time for the fecal coliform exceedances to be studied, understood and addressed by the watershed group.	RWQCB staff are prepared to start on this TMDL as early as 2002 and to start coordination with the Watershed Committee no later than 2004.	No	
4.31.1	The commenter supports several new elements of the water quality assessment, including the Watch List and the TMDL Completed List. The commenter also support the decision to delist or Watch List when: (1) an alternative enforceable program is in place, (2) a TMDL is in progress, (3) an exceedance was observed in a single sample or limited data were available to determine impairment, (4) exceedance of standards was due to natural background conditions, (5) the cause of impairment or stressor was unknown, (6) QA procedures were not adhered to during data collection/analysis, and (7) current data show that there is no impairment of beneficial uses and/or that water quality standards are being met. Also, we support the delisting of tissue impairments originally placed on the list solely on exceedances of EDLs.	Comments acknowledged.	No	
4.31.2	Little effort has been made to review listings from the 1998 303(d) list and some of those listings from the 1998 303(d) have been carried over onto the 2002 303(d) list. The SWRCB should at the very least consider changes to the 1998 303(d) list where information has been submitted to demonstrate that either the water quality standard is now being attained, an alternative enforceable program is in place or the basis of the listing was inadequate.	Please refer to the response to comment G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.31.3	TMDL development in the Los Angeles Region is subject to a Consent Decree which imposes a schedule of TMDL adoption within the next several years. The SWRCB should reconsider TMDL development scheduling and request clarification on how the SWRCB plans to address these scheduling deadlines.	Please refer to the response to Comment No. G.19.4.	No	
4.31.4	In cases where there is uncertainty about the listing some will argue that the state should take the precautionary approach and should list whenever there is any chance that there might be an impairment. The SWRCB should be sure that each listing is based on rigorous scientific evidence and legally supportable water quality standards before the water body is listed.	Please refer to the response to Comment No. G.11.21.	No	
4.31.5	For waters placed on the Watch List, additional studies and/or monitoring should be conducted as necessary. Special studies or follow-up monitoring may be needed to determine if an impairment really exists or to determine what conditions and/or pollutants are causing a problem. In other cases, monitoring data may not be sufficient to determine if water quality standards are being attained. For cases where a water body is placed on the Watch List because an alternative program is in place or planned, monitoring would be needed to verify that the alternative enforceable program has brought about attainment of water quality standards.	Comment acknowledged.	No	
4.31.6	Given the limited resources for the development and implementation of TMDLs, it is important for the State to concentrate on those water bodies where problems are documented and understood and where TMDL is the appropriate tool to solve the problem.	Comment acknowledged.	No	
4.31.7	The Clara River Reach 8 listing for organic enrichment/low DO should be delisted because current data show attainment of water quality standards.	Agree.	Yes	Volume II, Region 4
4.31.8	The Clara River Reach 8 listing for nitrate and nitrite should be delisted because current data show attainment of water quality standards.	Agree.	Yes	Volume II, Region 4
4.31.9	The Clara River Reach 3 listing for nitrite as nitrogen should be placed on the Watch List because current data show attainment of water quality standards.	Agree.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.31.10	The Santa Clara River Reach 3 listing for nitrate and nitrite should be placed on the Watch List because of insufficient basis to list.	This water body-pollutant combination will not be placed on the section 303(d) list.	Yes	Volume II, Region 4
4.31.11	Coyote Creek listing for ammonia should be moved to the Watch List because alternative enforceable program is in place.	<p>Agree. This water body-pollutant combination should be placed on the Enforceable Programs List.</p> <p>In 1995, seven water treatment plants that discharge into the San Gabriel River watershed and the Santa Clara River watershed received NPDES permits requiring compliance with the water quality objective for ammonia. All seven of these permits required compliance by June 12, 2003 for the receiving water limits. Installation of nitrification and denitrification facilities at each of these plants has been pursued. These new treatment facilities are anticipated to be operational by June 12, 2003.</p> <p>The majority of ammonia in the Los Angeles River is contributed by Publicly Owned Treatment Works (POTWs). The ammonia loading to the San Gabriel River watershed is probably dominated by ammonia loading from POTWs because both watersheds have similar land use patterns.</p> <p>Pilot studies show that the new facilities will likely comply with the ammonia water quality standard. In addition, toxicity downstream from two of the plants has been attributed to the high concentrations of ammonia. If ammonia is reduced, the toxic conditions will likely diminish as well. Consequently, compliance with the NPDES permit will correct the identified problem.</p> <p>The fact sheets will be modified to include this information and the recommendation will be changed to include this water body-pollutant combination of the Enforceable Programs List.</p>	Yes	Volume II, Region 4
4.31.12	The San Gabriel River Reach 1 and 2 listing for ammonia, should be moved to the Watch List because alternative enforceable program is in place.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.31.13	San Jose Creek Reach 1 and 2 listing for ammonia should be moved to the Watch List because alternative enforceable program is in place.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.31.14	The Santa Clara River Reach 7 and 8 listing for ammonia should be moved to the Watch List because alternative enforceable program is in place.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.31.15	The Rio Hondo Reach 1 and 2 listing for ammonia should be moved to the Watch List because alternative enforceable program is in place.	Please refer to the response to Comment No. 4.31.11.	Yes	Volume II, Region 4
4.31.16	The San Gabriel River Estuary listing for ammonia should be moved to the Watch List because alternative enforceable program is in place.	Please refer to the response to Comment No. 4.31.11.	Yes	Volume II, Region 4
4.31.17	The Santa Monica Bay Offshore and Nearshore Zone listing for sediment toxicity, silver, chromium, lead, DDT, and PCBs in tissue; cadmium, copper, lead, mercury, nickel, zinc, DDT, PCBs, chlordane, and PAHs in sediment; DDT and PCBs fish consumption should be moved to the Watch List because some listings are based on EDLs; alternative enforceable programs are in place and some listings were based on insufficient data.	Data for the nine metals in sediment and tissue have been reevaluated and there is reason to remove these metals listings from the section 303(d) list. Fact sheets for each of these metals have been developed. For the other substances, please refer to the response for Comment No. G.11.12.	Yes	Volume II, Region 4
4.31.18	The Coyote Creek listed for abnormal fish histology should be moved to the Watch List because stressor is unknown. Also, there is no narrative translator and further assessment is needed.	Please refer to the response for Comment No. G.11.12.	No	
4.31.19	The San Gabriel River Estuary listing for abnormal fish histology should be moved to the Watch List because stressor is unknown. Also, there is no narrative translator and further assessment is needed.	Please refer to the response for Comment No. G.11.12.	No	
4.31.20	The San Gabriel River Reach 1 listing for abnormal fish histology should be moved to the Watch List because stressor is unknown. Also, there is no narrative translator and further assessment is needed.	Please refer to the response for Comment No. G.11.12.	No	
4.31.21	The San Gabriel River Reach 1 and 3 listing for toxicity should be moved to the Watch List because the stressor is unknown. Also, alternative enforceable program is in place and further assessment is needed.	Please refer to the response for Comment No. 4.31.11.	No	
4.31.22	The Walnut Creek listing for toxicity should be moved to the Watch List because the stressor is unknown. Also, an alternative enforceable program is in place and further assessment is needed.	Please refer to the response for Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.31.23	The Coyote Creek listing for toxicity should be moved to the Watch List because the stressor is unknown. Also, an alternative enforceable program is in place and further assessment is needed.	Please refer to the response for Comment No. 4.31.11.	Yes	Volume II, Region 4
4.31.24	The Coyote Creek listing for algae should be moved to the Watch List because the stressor is unknown. Also, an alternative enforceable program is in place and further assessment is needed.	Changing the listing for algae is not supported by the data and information in the administrative record. Please refer to the response for Comment No. 4.31.11.	No	
4.31.25	The San Gabriel River Reach 1 listing for algae should be moved to the Watch List because the stressor is unknown. Also, an alternative enforceable program is in place and further assessment is needed.	Changing the listing for algae is not supported by the data and information in the administrative record. Please refer to the response for Comment No. 4.31.11.	No	
4.31.26	The San Jose Creek Reach 1 and 2 listing for algae should be moved to the Watch List because the stressor is unknown. Also, an alternative enforceable program is in place and further assessment is needed.	Changing the listing for algae is not supported by the data and information in the administrative record. Please refer to the response for Comment No. 4.31.11.	No	
4.31.27	The San Jose Creek Reach 1 listing for pH should be moved to the Watch List because the cause of impairment is unknown.	The identity of the cause of this pollutant is not a necessary condition for listing. Please refer to the response for Comment No. 4.26.4.	No	
4.31.28	The San Jose Creek Reach 2 listing for pH should not be listed because current data show attainment of water quality standards.	Please refer to the response to Comment No. 4.26.4.	No	
4.31.29	The Coyote Creek listing for copper, lead, zinc, dissolved selenium should be moved to the Watch List because there is insufficient data to list and the data is not temporally representative.	The metals data for Coyote Creek included 21 samples for copper and 27 samples each for lead, zinc, and selenium. The size of the data set is sufficient and the water body should be listed for the constituents.	No	
4.31.30	The San Gabriel River Reach 2 listing for dissolved copper, and zinc should be moved to the Watch List because there is insufficient data to list and the data is not temporally representative.	The metals data for San Gabriel Creek Reach 2 included 27 samples for copper and 28 samples for zinc. The size of the data set is sufficient and the water body should be listed for the constituents.	No	
4.31.31	The Santa Clara River Reach 3 listing for nitrate and nitrite should be delisted because there are no impairment of beneficial uses.	This water body is listed due to exceedances in Basin Plan water quality standards for nitrate and nitrite.	No	
4.31.32	The San Gabriel River Estuary listing for arsenic in tissue should be delisted because there is no MTRL for arsenic.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.31.33	The Coyote Creek listing for silver in tissue should be delisted because EDLs are not a valid assessment guideline.	Please refer to the response to Comment No. G.10.11.	No	
4.31.34	The Santa Clara River Reach 7 and 8 listed for chloride should be delisted because the listing was based on a non-CWA goal and there is no legal authority to list off-stream existing uses.	Please refer to response to Comment G.11.12.	No	
4.32.1	What period of time is the RWQCB evaluating for the McGrath Area Pathogen TMDL? Section 2.1 of the "McGrath Area Pathogen TMDL-Draft Document" states, "Elevated concentrations of fecal coliform and/or total coliform, are causing impairment of the REC-1 beneficial use of McGrath Beach and McGrath Lake. The data indicates that there have been only a few postings along the McGrath Beach since 1999 and the majority of those have been during, or as a result, of rainfall events and there has been no postings along MaGrath Beach, so far, in 2002.	This comment is focused on statements in a draft TMDL document. Many of the proposed listings for bacterial indicator have been reevaluated. Please refer to the response to comment Nos. 4.11.3 and G.11.8. If no new information was provided for a water body the 1998 listings were not evaluated for change.	No	
4.32.2	What is the RWQCBs justification for using the term excessive? Section 2.1 of the McGrath Area Pathogen TMDL-Draft Document states that, "McGrath and Mandalay Beach are also impaired by an excessive number of beach closures. The data shows (OWQMP) that since 1999, only one of our four sampling locations along McGrath and Mandalay Beach was closed. This site was closed due to a sewage spill/release for four day from 1/25-1/29, this does not seem to be an excessive number of closures.	This comment is focused on statements in a draft TMDL document. Many of the proposed listings for bacterial indicator have been reevaluated. Please refer to the response to comment Nos. 4.11.3 and G.11.8. If no new information was provided for a water body the 1998 listings were not evaluated for change.	Yes	Volume II, Region 4
4.32.3	The RWQCB should provide a list or table of sampling locations and data, standards and criteria, used to evaluate and justify the listing of McGrath and Mandalay Beaches on the 303(d) list and the need for a TMDL.	This comment is focused on statements in a draft TMDL document. Many of the proposed listings for bacterial indicator have been reevaluated. Please refer to the response to comment Nos. 4.11.3 and G.11.8. If no new information was provided for a water body the 1998 listings were not evaluated for change.	Yes	Volume II, Region 4

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.32.4	Is the water quality at McGrath and Mandalay a unique situation that in fact, needs a TMDL, or is the water quality similar to other beaches? The RWQCB present information in Section 2.7 in the McGrath Area Pathogen TMDL-Draft Document in a table, to include but not limited to, the time period evaluated, criteria and standards used, sample locations, dates sampled, complete results data, identification of data sources, closure dates, reasons for closures, wet weather periods, etc. After the table is developed, the RWQCB should provide information that compares the water quality at McGrath and Mandalay with other beaches in Ventura County and southern California.	This comment is focused on statements in a draft TMDL document. Many of the proposed listings for bacterial indicator have been reevaluated. Please refer to the response to comment Nos. 4.11.3 and G.11.8. If no new information was provided for a water body the 1998 listings were not evaluated for change.	Yes	Volume II, Region 4
4.32.5	Has a reference site been selected for Ventura County beaches? If so, who made this selection and how, or what, criteria were used in making this determination? The "Beach Closure" Section of the McGrath Area Pathogen TMDL-Draft Document, pp9, discusses a "designated references site".	This comment is focused on statements in a draft TMDL document. Many of the proposed listings for bacterial indicator have been reevaluated. Please refer to the response to comment Nos. 4.11.3 and G.11.8. If no new information was provided for a water body the 1998 listings were not evaluated for change.	Yes	Volume II, Region 4
4.33.1	The re-examination of every listing included on the 1998 list may not be possible at this time for practical reasons, as a policy matter, the SWRCB should at the very least consider making changes to the 1998 list where it can be demonstrated that either the water quality standard is now being attained, an alternative enforceable program is in place to address the problem, or that the original basis of listing was inadequate. If the SWRCB does not conduct this review, the outcome will be inconsistencies from one place to another, delays while listing and TMDL development efforts are challenged, and a misdirection of resources.	Please refer to the response to Comment No. G.11.12.	No	
4.33.2	Fact sheets are needed for all listings for all water bodies, not just changes in the list. These fact sheets should be updated periodically, so the public can be better informed on the status of reasons for listing, TMDL development, implementation of various scientific studies. Fact sheets play an important role, as they provide the rationale for placing water bodies on or off the 303(d) list.	Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.33.3	There are listings carried over from the 1998 list (e.g. Burbank Western Channel listed for odor and scum/foam) with no identified pollutant. Such water bodies should be removed from the list, or placed on the watch list for further data gathering to determine whether the impairment is caused by pollution or pollutants. This approach is consistent with the 2002 listing process that the SWRCB has conducted in which stressors without associated identified pollutants, such as algae and toxicity, were either not listed or placed on the watch list until a pollutant was identified (I.e. unnatural foam and scum on Conejo Creek R9B and algae on Cold Creek in the Malibu Creek watershed).	Please refer to the response to Comment No. G.11.12.	No	
4.33.4	The 1998 303(d) list shows that the Burbank Western Channel as impaired for cadmium. Data was submitted data that shows, monitoring over the past year demonstrates the attainment of water quality standards for cadmium. The data meets the requirements for fully supporting presented by the RWQCB in their staff report on the 303(d) list. Keeping this pollutant o the list will result in an unnecessary TMDL, wasted time and misspent money.	Please refer to the response to Comment No. G.11.12.	No	
4.34.1	<p>The commenter is concerned that the basin plans contain beneficial use designations and water quality objectives that were formulated with minimal (or no) consideration of the factors mandated by Section13241 of Porter-Cologne. Two factors of greatest concern are economic considerations and the need for developing housing within the region. The basin plan contains detailed economic analysis related to wastewater treatment, but does not address economic analyses related to the control of nonpoint sources, urban runoff, and/or stormwater, nor does it address the region's housing needs.</p> <p>Comments 2-9 address comments on LA Basin Plans, 303(d) listing process in a letter submitted from Susan Paulsen, Research Scientist with the Environmental Defense Sciences dated 6/13/02, of which we support.</p>	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.34.2	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>EPA should approve the use of a preliminary list and an action instead of one 303(s) list. It might be appropriate to re-evaluate some of the 1998 303(d) listing to determine if Watch List status is appropriate, especially where attainability analyses (UAAs) would be appropriate. UAAs may be most effective as it pertains to insufficient scientific evidence to support the designated beneficial use.</p>	Please refer to the response to Comment No. 9.7.1.	No	
4.34.3	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>The evaluation of data and evidence of a violation pertaining to narrative standards for constituents (i.e., trash, sediments and toxicity) should not be exclusively used for placing water bodies on an action list. It would be more appropriate to use a Watch List, when using subjectivity in applying and enforcing narrative standards, until a translator to a numeric standard could be developed for the relevant listing.</p>	Please refer to the response to Comment No. G.9.9.	No	
4.34.4	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>The 303(d) list should be based upon water quality criteria that are clearly defined in terms of frequency, magnitude and duration. In order to have successful . These factors (frequency, magnitude and duration) of water quality standards will set the stage for successful development and implementation of appropriate enforceable TMDLs.</p>	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.34.5	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>The following factors had minimal or no consideration when designating beneficial used and water quality objectives in the LA Basin Plan:</p> <ol style="list-style-type: none"> 1. Past, present, and probable future beneficial use of water. 2. Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto. 3. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area. 4. Economic considerations. 5. The need for developing housing within the region. 6. The need to develop and use recycled water. 	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.34.6	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>The RWQCBs perform use attainability analyses to equivalent for certain beneficial uses designated in Basin Plans. Beneficial uses where there is insufficient scientific or technical support and for which UAA should be considered such as:</p> <ol style="list-style-type: none"> 1. MUN, where no municipal use of water has occurred in recent past or future. All listing based upon MUM designation with an asterisk should be removed from the 303(d) list. 2. REC-1, designation for channels where such is unlikely 3. REC-2 designations where water contact and ingestion are highly unlikely. 4. Habitat designations in area where habitat is minimal or seasonal 5. Potential beneficial use designation. <p>These listings should be recommended to Watch List status until UAAs can be preformed. SWRCB and RWQCBs should dedicated effort to the process of performing UAAs and basing designation upon a sound technical and scientific basis.</p>	Please refer to the response to Comment No. 9.7.1.	No	
4.34.7	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>Watch List those 303(d) listings that are based upon water quality objectives that are applied to conditions for which they were not originally intended.</p>	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.34.8	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>Place water bodies on a Watch List for the 303(d) listings based up narrative standards, at least until a suitable translator to a numeric standard can be developed.</p>	Please refer to the response to Comment No. 9.7.1.	No	
4.34.9	<p>Comments from the Environmental Defense Science pertain to recommendation from the NRC for the TMDL and 303(d) listing process and review of the LA Basin Plan. These comment are an attachment to a letter submitted and supported by Michael Lewis from the Construction Industry Coalition on Water Quality (Comment Letter 4.34).</p> <p>The SWRCB should request that the RWQCB review each Regional Basin Plan, with particular focus on designated beneficial uses and water quality objectives, prior to adding water bodies to the final 303(d) list.</p>	Please refer to the response to Comment No. 9.7.1.	No	
4.35.1	Based on the recent submission of acquired data, the SWRCB should remove the application of the TMDL priority for Monrovia Canyon Creek.	Please refer to the response to Comment No. G.11.12.	No	
4.36.1	The commenter opposes the RWQCB recommendation to carry-over the 1998 listings in the Santa Monica Bay for incorporation into the 2002 submittal to USEPA. Santa Monica Bay is too large and diverse a water body to be defined as a single water segment for the purpose of making impairment determinations. Instead, it is more appropriate to either delist the Bay based upon documentation in the 1998 administrative record or list smaller discrete areas within the bay that meet the established impairment criteria. The Bay was listed for sediment toxicity by the BPTCP. The toxic sediment footprint identified covers only 15 square miles on the Palos Verdes Shelf. Listing decisions based on localized sediment toxic hot spots should apply to the specific areas where the sediment toxicity data originates from.	Please refer to the response to Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.36.2	The relationship between sediment toxicity, the concentrations of listed water column pollutants, and impairments of the beneficial uses in the Bay has not been established. If such evidence exists, the RWQCB's administrative record should set forth the evidence that demonstrates a TMDL necessary to either prevent further impairment or allow recovery of sediments.	Please refer to the response for Comment No. G.11.12.	No	
4.36.3	With respect to current and future discharges into the Bay, the listings does not identify concentrations in the water column that would either exacerbate sediment contamination or impair recovery of sediments. The record should identify the concentrations at which the listed substances will stay in the water column so that they do not contribute to further sediment contamination.	Please refer to the response for Comment No. G.11.12.	No	
4.36.4	There is no evidence that imposition of TMDLs will mitigate the pre-existing sediment contamination. The sediment contamination is in a large part the subject of current proceedings under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). CERCLA is a more appropriate statutory basis for responding to such sediment pollution issues than Section 303(d) of the CWA.	Please refer to the response for Comment No. G.11.12.	No	
4.36.5	The commenter supports the WSPA comments to the Board regarding the statewide listing policy and incorporates them by reference in this submittal.	Comments acknowledged.	No	
4.37.1	Exact duplicate of letter No. 4.27.	Please refer to all responses to comments for letter No. 4.27.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.38.1	The commenter is submitting the Contaminated Sediment Task Force (CSTF) Database for consideration as the SWRCB reviews the 303(d) list of water quality limited segments.	The RWQCB used much of the data contained in the CSTF database during the current water quality assessment evaluation or during past reviews (e.g., Bay Protection and Toxic Cleanup Program monitoring data, sediment characterization studies for the Los Angeles River Estuary, and Ballona Creek entrance channel). Bight '98 sediment chemistry data was not used for coastal bays, ports, marinas, and estuaries for the 2002 water quality assessment because the final report has not been completed and the data has not been made available. Sediment metals data was evaluated for the Nearshore and Offshore areas of Santa Monica Bay. Sediment chemistry data derived from dredging characterization studies is generally not relied upon since any sediments with elevated contaminant concentrations usually would have been removed by the dredging activity. An exception would be in areas where repeated studies demonstrate recontamination of the site following completion of dredging (such as the Los Angeles River estuary and Ballona Creek entrance channel).	No	
4.39.1	The commenter is submitting a summary of trash volume collected during one day cleanup in support for listing the San Gabriel River Estuary on the 303(d) list for trash impairment.	The data and information will be included in the fact sheet.	Yes	Volume II, Region 4
4.40.1	Exact duplicate of letter No. 4.31.	Please refer to all responses to comments for letter No 4.31.	No	
4.41.1	The commenter is submitting water quality data and information from its Adopt-A-Creek Monitoring Program whose purpose is to create baseline water quality data for Calabasas' Creek and understand the City's contribution of pollutants to the Los Angeles River, Malibu Creek and adjoining harbors and lagoons.	Data were not evaluated as they were received after the June 15, 2002 deadline. These data will be evaluated in the list revision next cycle. Data submitted under the previous data solicitation were evaluated.	No	
4.301.1	The commenter is concerned about the validation of the data used to make listing determinations and whether the beneficial uses that are being protected are appropriate in the area.	Please refer to the response for Comment No. 9.7.1.	No	
4.301.2	The beneficial uses identified for the San Gabriel River include rare, warm, wild water habitat, however eleven months out of the year there is no water. It would be helpful to understand what type of animals are being protected and brought back into the water body.	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.301.3	Fact sheet data used for listing seems highly variable. For example, copper observations were in violation 62 percent in one section of the San Gabriel River (SGR) for copper and 23 percent in violation in another section of the same water body. Reanalysis by the county yields 11 percent violation.	This is a proposed listing based on new data. Copper in SGR Reach 2 exceeds the copper objective by 23 percent. Coyote Creek (which is a tributary to the SGR, but assessed independently) exceeded by 62 percent. There were not any other listings for copper in San Gabriel River.	Yes	Volume II, Region 4
4.301.4	It is important that the 303(d) listing process be done carefully and correctly. Listing and delisting of water bodies because of bad science is not helpful. Several waters should not be listed at all because violations observed were due temporary events that happened during El Niño years of 1997 and 1998. The 303(d) listing process should not be used for listing and delisting on the basis of acts of God.	Comment acknowledged.	No	
4.301.5	Some water body segments would not be listed at all and several others should be put on the Watch List if there are still unresolved questions associated with whether they should be listed or not.	Comment acknowledged.	No	
4.301.6	In reference to the San Gabriel River, it is not clear on how the table of hardness values was used to determine the concentration of dissolved copper.	Please refer to the response to Comment No 4.26.9.	No	
4.302.1	The commenter opposes moving San Gabriel River Estuary for trash from the 303(d) impairment list to the Watch List. Evidence to support this was submitted when initial listing documentation was requested.	Please refer to the response to Comment No. G.11.8.	No	
4.303.1	Detail review is need of all listings for the Los Angeles River Reach 2 and the Rio Hondo Reach 1 to understand better what existing uses of the channel are actually impaired and what data supports the listings.	Please refer to the response to Comment Nos.G.11.12 and 4.31.11.	No	
4.303.2	Move all vague listings to the proposed Watch List until a better assessment is done. This includes listings for high coliform counts, nutrients, algae, scum, foam, and trash if there weren't already a trash TMDL in place.	Please refer to the response to Comment No.G.11.12.	No	
4.304.1	The SWRCB should mandate a comprehensive review of all basin plans to insure the integrity of 303(d) list by having appropriate uses designations in the basin plans and insuring that listing determinations are made with the benefit of adequate data or water body assessment.	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.304.2	California needs to formally adopt a listing policy that will promote fairness and consistency. The policy should establish the requirements for review of entire listing process to assure that listings are based on sound science. The policy should also address issues of priority regarding the most appropriate use of limited public resources.	Comment acknowledged.	No	
4.305.1	Potential water quality problems for which there is a lack of clear definition or data to actually determine an impairment should be placed on a pending or Watch List.	Comment acknowledged.	No	
4.305.2	The commenter would like to thank the Board for the use of individual metals such as dissolved cadmium, copper, and zinc instead of using total metals to list the Los Angeles River Reach 1.	Comment acknowledged.	No	
4.305.3	The Los Angeles River Estuary should be placed on the Watch List. The water body was listed for several listings related to historic uses of pesticides and lubricants. Among these are lead chlordane, and DDT in sediments. It will be impossible to establish TMDL's for legacy pollutants. Pollutants that were discharged years ago and have since been banned from use cannot be controlled by regulating current storm water discharges. U.S.EPA should be asked to deal with legacy listings through a separate program.	Please refer to the response to Comment No. 4.19.1.	No	
4.306.1	The commenter would like to thank the RWQCB staff for recommending putting the Dominguez Channel Estuary on the Watch List for chlordane, copper, PCB's and other unknown pollutants. Placement on the Watch List will allow more data to be collected to see what are actually causing the problems within this watershed area.	Please refer to the responses for Comment Nos. 4.8.17, 4.8.18, and 4.8.19.	No	
4.306.2	Chlordane and PCB's are historical pollutants and are no longer in common use. Putting them on the Watch List will allow time to see if their concentrations will diminish over time because of the discontinued use of these substances. If not the SWRCB and RWQCBs may have to come up with alternatives ways to handle these historical pollutants.	Please refer to the responses for Comment Nos. 4.8.17, 4.8.18, and 4.8.19.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.306.3	Dominguez Channel both the estuary and the area north of Vermont Ave were designated high priority in the TMDL listing for high coliform counts. This is inappropriate. Dominguez Channel is not a swimming hole it is a flood control channel. There are no legal recreational used along the channel. It is unclear what is being impaired by coliform counts within the area. Dominguez Channel was designated low priority for TMDL consideration in the 1998 303(d) list. Why was designated high priority in the 2002 303(d) list? Furthermore, high coliform counts has not been clearly defined. The list should be more focused and use some other measure to determine impairments from human pathogens.	Please refer to the response to comments No. 9.7.1 and 4.24.3.	No	
4.307.1	Delist of Mandalay Beach for beach closure. Written comments have been provided supporting that there has been no beach closures since 1996 which is well beyond the listing trigger for a beach closure.	Please refer to the response to Comment No. 4.12.1.	No	
4.308.1	The commenter is pleased on the State's efforts with this round of the 303(d) listing process. The commenter commends the SWRCB staff for taking extra efforts to make sure the data is traceable.	Comment acknowledged.	No	
4.308.2	The commenter supports the Watch List. However, incorporation of a sunset clause is need so if a water body remains on the Watch List for more than one or two listing cycles it automatically advances to the 303(d) list. This provides the incentives to carry out the necessary research to support listing or delisting.	Please refer to the response to Comment Nos. G.10.1 and G.10.5.	No	
4.308.3	The beneficial uses have not been appropriately designated. Some water bodies have designated beneficial uses that are impossible to achieve. In particular, solving the issues associated with effluent dependent water bodies in Southern California would facilitate the next 303(d) listing process.	Please refer to the response to Comment No. 9.7.1.	No	
4.309.1	The commenter commends the SWRCB and RWQCBs for adoption of the National Research Council's recommendation to create a Watch List. It is appropriate to demote some of the listings from the 1998 303(d) list to the Watch List status, particularly in cases where use attainability analyses would be appropriate.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.309.2	The State should develop use designations for water bodies in advance of assessment for placement on the 303(d) list and refine these designations prior to TMDL development. This would insure that designated uses are appropriate to the water body.	Please refer to the response to Comment No. 9.7.1.	No	
4.309.3	Evaluated data and evidence of violation of narrative standards should not be used for placement on the 303(d) list. Examples of these would be trash, sediment toxicity, etc. In these cases it would be more appropriate to use the Watch List until a translator to a numeric standard is developed to use for listing. The SWRCB should put special effort towards translating narrative into numeric standards.	Please refer to the response to Comment Nos. G.8.3 and G.9.9.	No	
4.309.4	The SWRCB and RWQCBs define water quality criteria in terms of frequency, magnitude, and duration so that the 303(d) list is formulated with consideration for these factors and subsequent TMDL's are based upon water quality objectives that are more sensible and reasonably enforceable.	Please refer to the response to Comment No. G.8.3.	No	
4.310.1	Use attainability analyses or a suitable equivalent should be performed for the additional uses for certain beneficial uses that are contained within the basin plan. That would include those uses for which there is not enough scientific or technical data to justify listings. Also, clarification on what potential beneficial use really means is needed.	Please refer to the response to Comment Nos. G.8.3 and 9.7.1.	No	
4.310.2	The commenter recommends Watch List status for those water bodies that have been listed for violations of water quality objectives that can never be met. For example, it is not clear that bacterial objectives in the basin plan apply to storm water under high flow conditions when the water bodies in question are not swimmable.	Please refer to the response to Comment No. 9.7.1.	No	
4.310.3	The Watch List status for 303(d) listings based solely upon narrative standards should develop translators so that narrative standards can be translated into numeric criteria prior to 303(d) listings and TMDL development.	Please refer to the response to Comment Nos. G.8.3 and G.9.9.	No	
4.311.1	SWRCB should include language into the staff report to the U.S.EPA stating that the 303(d) list will be reviewed in its entirety as a result of the methodology (Listing Policy) that will be developed.	The Listing Policy will outline listing methodologies. It is anticipated that these methods will be used to review previous listings. It has not been determined if the entire list will be revised using the listing policy. Please refer to the response to Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.311.2	The commenter supports the Watch List and recommends the development of a procedures for placing water bodies on the Watch List include the time limit that a specific waterbeds to remain on the Watch List.	Please refer to the response to Comment No. G.10.1.	No	
4.311.3	The commenter supports Watch Listing where there is an alternative enforcement program in place and recommends placing water bodies listed for narrative objectives on the Watch List until adequate numeric translators are developed for the narrative objectives.	Please refer to the response to Comment No. G.11.11.	No	
4.311.4	In the written comments were submitted, detailed information on specific water bodies that were listed for Chem A group compound. Ballona Creek, and Machado Lake need to be included into the set of information submitted. Chem A group compounds are a group of pollutants not one pollutant. The SWRCB and RWQCBs should separate those pollutants included in the Chem A group and determine which of the pollutants in the group is actually causing impairment.	Please refer to the response to Comment No. 4.1.6.	No	
4.311.5	Santa Monica Bay, Nearshore/Offshore was placed on the 303(d) list for impairments This is a very large water body. If the entire water body is listed it would probably remain on the list for quite a long time. The water body should be broken down into more manageable segments so that the identified water quality problem can be addressed more effectively.	Please refer to the response to Comment No. G.11.5.	No	
4.311.6	The State should also review funding sources and provide information in Watch Listing procedures to address the water bodies placed on the Watch List.	Please refer to the response to Comment No. G.10.1.	No	
4.312.1	The designation of concrete-lined flood control channels for REC 1 beneficial use is erroneous. These reaches are not accessible to the public, they are gated , they are fenced and people are not going to swim in them.	Please refer to the response to Comment No. 9.7.1.	No	
4.312.2	There was no consideration given to seasonal variation in water quality throughout the 303(d) water quality assessment process. As an example five water bodies were listed for impairments due to total and dissolved metals but the data used to list was collected during the wet weather season.	Please refer to the response to Comment No. G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.312.3	There is lack of consistency or a consistent approach used in evaluating laboratory results of non detectable levels of dissolved selenium in Malibu, Ballona Creek, and Dry Canyon, and nitrate Santa Clara River Reach 3.	Please refer to the response for Comment No. 4.6.28.	No	
4.312.4	The impairments due to natural sources or natural-occurring constituents should be down rated and placed on the Watch List until further additional data is collected to verify the source of impairment.	Please refer to the response to Comment No. G.11.5.	No	
4.312.5	It is not clear on which kind of alternative enforcement program can be used to place a water body on the Watch List. A list of all alternative programs should be provided, that can be used for this purpose and the criteria needed to use these programs instead of the 303(d) requirements.	Please refer to the response to Comment Nos. G.11.11 and G.11.8.	No	
4.313.1	The 303(d) list is a list of water quality limited segments for which TMDL's are required. This is a more limited definition than some people use.	Comment acknowledged.	No	
4.313.2	Algae, exotic species, and other types of things that may have been caused by hydrologic modifications are not amenable to a TMDL's.	Comment acknowledged.	No	
4.313.3	It is important to recognize and leverage the efforts going under other programs that has been put forward of using alternative enforceable programs. It is also important to recognize that those efforts are underway to achieve water quality standards and may be a very viable alternative to a TMDL.	Comment acknowledged.	No	
4.313.4	The commenter strongly supports the adoption of the Watch List. But those waters placed on the Watch List should receive high priority for monitoring and further study before the next update of the 303(d) list.	Please refer to the response to Comment No. G.10.4.	No	
4.313.5	The commenter supports the adoption of a TMDL completed list. This is a great way to show progress that the state is making, to recognize the efforts that are underway, and also a good way to track those efforts.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.313.6	The SWRCB should agree to review certain listings that are currently on the 1998 303(d) list. The commenter does not agree that it should just all be carried forward with no review because it will many inconsistencies with some of the decisions being made in the 2002 303(d) listing process.	Please refer to the response to Comment Nos. G.11.12 and 4.31.11.	No	
4.314.1	The Santa Clara River Reach 8 should be removed from the 303(d) list as being impaired due to nitrate and nitrite. After review of the administrative record we were not able to find any data supporting this listing. In addition, review of data collected over the past three years showed that the water body was in attainment with the nitrate, nitrite objective.	Please refer to the response to Comment No. 4.17.9.	No	
4.314.2	Santa Clara River Reach 8 was also listed in 1998 as impaired for low dissolved oxygen. Again summary of current data shows that only 1 out of 290 samples are below the 5 mg/L DO criteria.	Please refer to the response to Comment No. 4.17.10.	No	
4.314.3	Ammonia listings for the San Gabriel River Watershed and the Santa Clara River Watershed should be moved to the Watch List. These are ammonia listings were an alternative enforceable program is already in place to address the ammonia impairments in these water bodies. An NPDES permit was received in 1995, that included a compliance schedule for meeting the ammonia objective. In compliance with the permit requirements, nitrification and denitrification facilities was added that will result in compliance with the ammonia objective. Pilot testing shows that we will be able to meet the criteria that is applicable by the 6/2003 compliance date.	Please refer to the response to Comment No. 4.31.11.	No	
4.315.1	Eliminate the Watch List and the TMDL completed list. The CWA section 303(d) list and implementing regulation contemplate one list focusing on attaining water quality standards. The Watch List and the TMDL completed list function to delist waters from the 303(d) list because ,as stated in the staff report, these lists are not part of the 303(d) list.	Please refer to the response to Comment No. G.10.1.	No	
4.315.2	The commenter is concerned specially with the RWQCB staff recommendation to place 23 water bodies on the 303(d) list and the SWRCB staff placed the water bodies on the Watch List. At a minimum the SWRCB should articulate reasons for not placing these water on the 303(d) list.	Please refer to the response for Comment No. G.10.11.	Yes	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.315.3	The commenter is concerned about placing waters on the Watch List based on existing regulatory programs. Section 303(d) clearly and directly states to identify waters for which effluent limitations through other regulatory programs are not stringent enough to implement any water quality standard. The Section already considers existing programs and the situation where TMDL's are mandatory.	Please refer to the response to Comment No. G.10.4.	No	
4.315.4	The commenter is concerned about several segments listed for toxicity that have been placed on the Watch List instead the 303(d) list. Because of the bio-accumulative nature of toxicity these water segments remain impaired and therefore must remain on the 303(d) list.	Please refer to the response to Comment No. 4.8.22.	No	
4.315.5	The TMDL completed list runs contrary to the CWA. The CWA focuses on meeting attainment standards. If it is not meeting attainment standards regardless of whether there is a TMDL completed for the water body, it should remain on the 303(d) list.	Please refer to the response to Comment No. G.10.1.	No	
4.315.6	Reasons for delisting should be transparent. The implementing regulations require good cause for delisting. The SWRCB proposed delisting based on EDL, no guidelines, no defensible guidelines, outdated NAS guidelines. In Region 4 there are 40 water segments delisted for EDLs. At some point EDLs indicate an impairment and cannot be delisted unless some affirmative information is provided to show that the segment is not impaired. There is also no good reason for delisting on the basis of no guidelines, no defensible guidelines or outdated NAS guidelines. If these guidelines are flawed they must state how they are flawed and indicate why they are not defensible.	Please refer to the response to Comment Nos. G.10.10, G.10.11, and G.10.12.	No	
4.316.1	The commenter supports the SWRCB's use of the 1998 Section 303(d) list and the additions to the listing, and also the listing Malibu Creek for sediments. The commenter supports the State's efforts to allow public participation and thank the staff for their efforts in this regard.	Comment acknowledged.	No	
4.316.2	The commenter does not support the SWRCB's proposed actions to make three lists. The commenter does not support a Watch List based upon whether or not pollutants causing an impairment are known or whether an alternative enforceable program is in place or whether there is a TMDL in progress.	Please refer to the response to Comment No. G.10.1 and G.11.11.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.316.3	The SWRCB should delete Items No. 12 (source of pollutant), and No. 13 (availability of an alternative enforceable program) from the list of factories (Staff Report, Volume I, page 4) that staff considered in making listing/delisting determinations.	Please refer to the response to Comment No. G.10.9.	No	
4.316.4	The 303(d) list must error on the side of protecting human health and the environment. If less waters are listed, less waters are cleaned up. Biological criteria such as algae, odor or scum in listing water bodies for impairments is critical because narrative criteria indicates an impairment for which the source of the pollutant has not been determined.	Please refer to the response to Comment No. G.11.21.	No	
4.316.5	The 303(d) list is a trigger for grant and restoration funds to fix these waters the very waters we need assistance in cleaning and restoring may not qualify for funding unless they are on the 303(d) list.	Please refer to the response to Comment No. G.10.2.	No	
4.317.1	The commenter supports the impairment of beneficial use due to excess sediment in Malibu Creek. However, it is a disappointment that Calleguas Creek was not placed on the 303(d) list as impaired for excess sediment as recommended by the RWQCB staff.	Please refer to the response to Comment No. 4.27.8.	No	
4.317.2	The commenter is concerned about delisting based on EDL. The EDL is a statistical measure which compares contaminant levels in animal tissue from different water bodies. Listings based on EDL's where tissue levels in a given water body exceeded levels in at least 85% of other water bodies in the state may indicate a contamination problem.	Please refer to the response to Comment Nos. G.10.10 and G.10.11.	No	
4.317.3	The commenter is concerned about delisting based on outdated guidelines, no guidelines or no defensible guidelines because this does not provide affirmative proof that a water body that has been considered impaired in the past is not in fact impaired any longer.	Please refer to the response to Comment No. G.10.13.	No	
4.317.4	The rivers in Los Angeles and Ventura counties are not flood control channels or conveyance ditches. According to some the solution to water quality problems is to pave rivers, label them flood control channels, and write them off as sewers for toxic waste. This is unacceptable. It is our responsibility to protect waterways and their beneficial uses and any attempt to weaken CWA protections through Watch List and de facto designations of beneficial uses must not be allowed.	Please refer to the response to Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.318.1	It appears that the TMDL priority being set for Monrovia Canyon Creek based on U.S.EPA Consent Decrees. A review of the available data at the RWQCB level indicated that the last sampling of Monrovia Canyon Creek was done in 1994. At that time the creek was given a fully supportive status. Review of sampling stations indicate that samples were taken outside of city Limit several miles from the creek which also appear to serve as receiving locations for several neighboring cities' urban runoff. How can Monrovia Canyon Creek be placed on high TMDL priority if there is no current information available to justify the priority setting?	Please refer to the response to Comment No. G.11.12.	No	
4.318.2	If TMDL priority setting is being established based on beneficial uses associated with water body, many of the intermittent beneficial uses applied to Monrovia Canyon Creek are incorrect. The SWRCB should consider the TMDL priority setting being applied to Monrovia Canyon Creek whose assigned uses may be misdesignated.	Please refer to the response to Comment No. 9.7.1.	No	
4.318.3	The SWRCB should proceed cautiously with the development of the TMDL program until a comprehensive review of the basin plans has been completed.	Please refer to the response to Comment No. 9.7.1.	No	
4.319.1	The commenter supports the Watch List concept. Water bodies should be placed on the Watch List until good, conclusive scientific information to support impairment is developed.	Comment acknowledged.	No	
4.319.2	The commenter is concerned about the Coyote Creek Channel being listed for metals on the basis that the data used to list was gathered during wet weather season.	Comment acknowledged.	No	
4.319.3	The 1998 303(d) listing established fish histology, algae, and high coliform counts for the basis for listing some water bodies. These are more conditions and indicators rather than specific pollutants. Until there can be more specific analysis as to what pollutants would lead to these conditions other than some naturally occurring phenomena or hydro-biologic condition these water bodies should be put on the Watch List.	Please refer to the response to Comment Nos. 4.26.4 and G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.319.4	The commenter disagrees with other speakers that Coyote Creek and San Gabriel River, at least through Cerritos city limits, are not flood control channels. Both may be labeled as "river" or "creek" but they are really flood control channels, they are fully lined, and they contain no water for 11 months out of the year. Beneficial uses in these water bodies should be carefully analyzed as how they may be achievable.	Please refer to the response to Comment No. 9.7.1.	No	
4.320.1	The commenter has been informed that the tributary rule where, although washes are not specifically listed as impaired, it could be included in regulatory actions for Rio Hondo or even for the Los Angeles River because our drainage passes through those waterways before it reached the ocean. It would be more productive for the SWRCB to actually specify impairments for specific waters rather than implicating them by reference.	In general, beneficial uses upstream are as sensitive as downstream beneficial uses. Therefore, the segments identified at the Rio Hondo and the Los Angeles River would have the same beneficial use implications.	No	
4.320.2	Storm water, which discharges to the Rio Hondo, is currently listed for high coliform count the spreading grounds. It is not clear about what coliform count means. Does the coliform originate from human, animal, or other sources? Due to this uncertainty, the Rio Hondo listing for high coliform counts should be deleted or at least moved to the Watch List until it is determined what type of coliform if causing the high count.	Please refer to the response to Comment No. G.11.12.	No	
4.320.3	Rio Hondo Spreading Grounds are managed to percolate water to the ground water table for future use. Water contact recreation and non-contact recreation are not existent in this segment.	Please refer to the response to Comment Nos. G.11.12 and 9.7.1.	No	
4.321.1	In the majority of the cases the commenter agrees with the SWRCB's recommendation regarding additions and deletions from the 303(d) list. There are some discrepancies between the SWRCB and the RWQCB staff, however those issues have been resolve through discussions.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.321.2	The commenter agrees in principle with the concept of the Watch List, however, there are concerns about the decision to establish a Watch List at this late a date in the process. RWQCB staff set minimum data requirements necessary for assessing water bodies for listing before the regional assessment was carried out. Consequently, it was not consider listing or delisting where insufficient data was available. As a result of this, there may be some cases where water bodies or pollutants were not considered because of inadequate data. Many groups of pollutants were not looked at, because there were less data than we considered necessary to define a water body as impaired.	Please refer to the response to comments Nos. G.10.1 and G.10.6.	No	
4.321.3	There are water bodies that were recommended for the Watch List on the basis that an alternate enforceable is in place. Two water bodies that met the RWQCB assessment criteria , and three water bodies with direct beneficial use impact were placed on the Watch List for this reason. The SWRCB should list those water bodies identified in our written comments.	Please refer to the response to Comment Nos. G.10.9 and G.11.8.	No	
4.321.4	The commenter is concerned about putting items that have direct beneficial use impact, such as toxicity, benthic community degradation, water toxicity and/or sediment toxicity on the Watch List. These are direct impacts to beneficial use for aquatic life and as such are not insufficient in and of themselves to show that there is an impairment	Please refer to the response to Comment Nos. G.11.21.	No	
4.322.1	The commenter commends the SWRCB and the staff for making significant improvements in the listing process through the incorporation of the Watch List. The Watch List is an important step towards strengthening the basis for the TMDL program. It allows us to focus on well defined problems first by removing water bodies to the watch list: 1) where listings were based on thresholds or guidelines that were insufficient for determining impairment; 2) where there is insufficient data to support listing; 3) or where narrative standards are used to list.	Comment acknowledged.	No	
4.322.2	The commenter would like to thank the SWRCB for addition of a delisting factor for the 2002 303(d) listing process which allows water bodies to be delisted on the basis of an existing alternate enforceable programs that will provide another way of controlling impairments.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
4.322.3	The commenter commends the RWQCB for recommending delisting on the basis of EDLs because they are not actually related to adverse human or animal impacts but are really just a comparative statistical measure.	Comment acknowledged.	No	
4.322.4	In a number of instances specific pollutants were not identified. Without details on specific pollutants or consistency of impairment designation among RWQCBs, such listings remain arbitrary and without practical or legal support.	Comment acknowledged.	No	
4.322.5	Section 303(d) requires the inclusion of a description of the pollutant causing the violation of water quality standards. General conditions of impairment are not pollutants. General conditions are not causing the impairment and thus are inappropriately triggering the development of TMDL's. Impairments based on conditions should be placed on the Watch List in order for the RWQCB to better identify the cause of the impairment.	Please refer to the response for Comment No. 4.26.4.	No	
4.322.6	In Region 4 any listing related to the municipal designation that is asterisked on table 2.1 of the L.A. Basin Plan should be removed from the 2002 303(d) list because USEPA's recent approval of the entire basin plan and the direction given to the RWQCB about the designation of MUN uses.	Please refer to the response to Comment No. 4.3.1.	No	
5.1.1	The SWRCB staff did an excellent job in reviewing and compiling the recommendations from the nine RWQCBs.	Comment acknowledged.	No	
5.1.2	Amend your recommendations for priorities and schedules to reflect the waters and pollutants added to the 2002 list.	Comment acknowledged. The document will reflect the correct schedules and priorities for the recommended pollutants and waters added to the 2002 303(d) list.	Yes	Volume I, Priorities Table
5.1.3	Change the heading of Table 6 "TMDLs Completed List" to "Approved TMDLs List". The definition of a "complete" TMDL given in the "TMDLs Completed List" section of the staff report conflicts with the definition that the RWQCBs have been instructed to use for work planning purposes.	Comment acknowledged.	No	
5.1.4	If the SWRCB doesn't change the definition of the "TMDLs Completed List" then we request that the SWRCB establish a reasonable standard (at least one or two years) for completing the TMDL approval process after RWQCB approval. The schedules in Table 5 should then be adjusted accordingly.	Please refer to the response to Comment Nos. G.11.11 and G.11.9.	Yes	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.1.5	The water bodies and associated pollutants for which we have completed TMDLs should be removed from the 303(d) list. If these water and associated pollutants remain on the 303(d) list, the SWRCB would be indicating that TMDLs are still required.	All listings for water body-pollutant combinations that have completed TMDLs will be removed from the section 303(d) list.	Yes	Volume II and Volume III
5.1.6	The 305(b) report should be used to track any continuing non-attainment of beneficial uses or water quality standards.	Comment acknowledged.	No	
5.1.7	RWQCB staff provided a table of "Suggested Sites and Parameters for Further Assessment" as part of our final staff report. This information is very similar to the "Watch List " identified in the Staff Report Table 4. We request that the information from our Table 2 be added to the Table 4 Watch List portion of your Staff Report.	The Watch List has been renamed the Monitoring List and it will reflect the information from the "Suggested Sites and Parameters for Further Assessment". Please refer to the response to comments G.10.1 and G.11.11.	Yes	Volume III, Region 5
5.1.8	With the addition of our Table 2 to the Watch List, description of the "Watch List" be revised to note that waters on the "Watch List" need further assessment prior to making a determination to list or a determination to delist.	Please refer to response to Comment Nos. G.10.1 and G.10.2.	Yes	
5.1.9	Consider a number of comments on the fact sheets and the tables were submitted related to typographical and transcription errors.	The transcription errors have been corrected.	Yes	Volume III, Region 5
5.2.1	Disagree with the addition of Don Pedro Lake and the Lower San Joaquin River to the 303(d) List due to impairment by mercury. The data used for Don Pedro Lake and the Lower San Joaquin River were very limited and/or outdated.	Please refer to the responses for Comments 5.2.8 and 5.2.9.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.2.2	The commenter disagrees with the continued listing of the Harding Drain as impaired. In addition, the Harding Drain is not a water of the U.S. and that uses and water quality objectives have not been appropriately designated for the drain.	The Central Valley RWQCB's Basin Plan (Basin Plan) for the Sacramento River and San Joaquin River Basin includes designation of beneficial uses for specific water bodies and a statement that "The beneficial uses of a specifically identified water body generally apply to its tributary streams. In some cases a beneficial use may not be applicable to the entire body of water. In these cases the Regional Water Board's judgment will be applied." The RWQCB would need to specifically identify beneficial uses for the Harding Drain through a Basin Plan amendment process in order to identify those beneficial uses (i.e., for the Harding Drain) that are different from the designated beneficial uses downstream in the San Joaquin River. As part of the Basin Plan amendment process, the RWQCB would likely need to conduct a Use Attainability Analysis (UAA). The process to update the 303(d) list considers the existing beneficial uses and water quality objectives and does not consider or make changes to those uses or objectives. Please also refer to the response for Comment 9.7.1.	No	
5.2.3	The final 303(d) List should not include Don Pedro Lake and San Joaquin River for mercury or the Harding Drain for any constituents.	Comment acknowledged.	No	
5.2.4	The Turlock Irrigation District would like to raise concerns about the addition of another 195 segments with 303 pollutants or stressors to the existing 1998 303(d) List, which already includes over 1,500 segments statewide.	Please refer to the response to Comment No. G.11.12.	No	
5.2.5	Concerned about the addition of another 177 water bodies to a Watch List, which will be submitted to the EPA along with the 303(d) List. It appears that SWRCB and RWQCBs are adding segments, based on very limited data to a list that is already too long for the Board staff to effectively address.	Comment acknowledged.	No	
5.2.6	Support focused efforts to improve water quality on priority waters where actual impairments are occurring. However we would like to see sufficient data and thorough analysis to characterize any water impairment before adding segments to the 303(d) List and triggering TMDLs. It would be more prudent for the RWQCBs to work with stakeholders along the affected segments to collect data and evaluate water quality in greater detail to determine actual impairments prior to listing.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.2.7	The concept of a formal Watch List that is submitted to the EPA along with the 303(d) List, is not appropriate and isn't supported by any provisions of the Clean Water Act. If insufficient evidence exists for placement on the 303(d) List, then the waterbody should remain unencumbered by any type of official designation.	Please refer to the response to Comment Nos. G.10.2, G.10.1 and G.11.11.	No	
5.2.8	Data used to support listing Don Pedro Lake are outdated and are not spatially representative of the entire lake. Data are from a very limited area of the lake have been extrapolated over the entire 129600 acre lake, under the assumption that other tributaries to the lake are mercury sources. The data used was collected 14 to 20 years ago.	Fish bioaccumulate mercury over space and time. Because fish tend to move around in a waterbody and it takes time for mercury to accumulate in their bodies they are good indicators of the ongoing condition of a waterbody. It is expected that the concentrations of methyl mercury found in the fish by the TSMP would remain constant, as no mercury remediation efforts have taken place.	No	
5.2.9	Only a portion of the available data was actually used (Trophic Level 4) to list Don Pedro Lake which erroneously skewed the results. A subset of the TSMP data was used to define "evidence of impairment" for the lake. By using only a subset of the data the average mercury concentration was 0.54 ppm versus an average 0.41 ppm for all the data. The usage of Trophic level 4 fish only is overly conservative.	Trophic Level (TL) 4 fish data were compared against the USEPA human health criterion of 0.3 mg/kg because people are more likely to consume TL4 fish. If staff averages the TL3 and TL4 fish tissue concentrations, the value is 0.41 mg/kg, still exceeds the USEPA criterion. The USEPA developed the 0.3 mg/kg criterion for human health protection using a particular consumption rate (17.5 g/day of locally caught fish) and a particular proportion of fish from trophic level 2 (21.7%), TL3 (45.7%) and TL4 (32.6%), determined by a national diet survey. RWQCB staff is in the process of developing recommended guidance for future listings of water bodies impaired by mercury and will, in the future, use these percentages derived by USEPA.	No	
5.2.10	The EPA methyl mercury criterion has been applied arbitrarily, without consideration of site specific factors and in violation of Federal and State substantive and procedural requirements in listing Don Pedro lake. The report applies the EPA value, 0.3 mg/kg target without considering site-specific characteristics.	No site-specific factors were available to consider. In the absence of this information, the USEPA criterion was used. It is within the development of a TMDL or other special studies that site-specific factors can be established.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.2.11	There is no evidence of use impairment because no health or environmental agency has issued a fish consumption advisory for Don Pedro Lake.	It is not necessary for a waterbody to have a fish consumption advisory in order to place it on the section 303(d) list. Several water bodies on the 1998 section 303(d) list do not have fish advisories on them. The water bodies have been listed because they exceed water quality numeric criteria established by USEPA. Evidence of narrative water quality standards being exceeded for Don Pedro Lake is based on elevated mercury concentrations in fish tissue samples that exceed the USEPA criteria.	No	
5.2.12	The EPA methyl mercury criterion has been applied arbitrarily, without consideration of site specific factors and in violation of Federal and State substantive and procedural requirements in listing Lower San Joaquin River. The report applies the EPA value, 0.3 mg/kg target without considering site-specific characteristics.	Please refer to the response to Comment No. 5.2.10.	No	
5.2.13	There is no evidence of use impairment because no health or environmental agency has issued a fish consumption advisory for the Lower San Joaquin River.	Please refer to the response to Comment No. 5.2.11.	No	
5.2.14	Even if the Harding Drain were a Water of the U.S., which it isn't, the beneficial uses and water quality objectives were inappropriately assigned to Harding Drain without substantive or procedural legal process.	Please refer to the response for Comment Nos. 5.2.2 and 9.7.1.	No	
5.2.15	An appeal of the City of Turlock NPDES Cease and Desist Order issued by the RWQCB, wherein the Harding Drain was classified for beneficial uses, is pending before the SWRCB. Therefore it is premature and inappropriate to include it on the 303 (d) List when pending issues regarding its designation and water quality objectives have not yet been resolved.	Until changed, the Basin Plan should be used to identify water body beneficial uses and to present the water quality objectives for water bodies in the Central Valley Region.	No	
5.2.16	The rationale in the Report and the data used are so fatally flawed that the recommended listing for Don Pedro Lake must be stricken. The legal errors, substantive and procedural mandate Don Pedro Lake not to be included in the 303 (d) List of impaired waters. More comprehensive and contemporary data are needed to determine whether mercury impairments actually exist before adding this lake to the list.	Available data show that water quality standards are not met. During the TMDL development, additional data may be collected to more clearly define the identified problem.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.2.17	The Harding Drain is not a Water of the U.S. The "beneficial uses" purportedly assigned to Harding Drain were adopted "sub rosa" without substantive or procedural legal process and are therefore "ab initio" so the Harding Drain cannot be listed due to impairment of illegally designated uses.	Please refer to the responses for comments Nos. 5.2.2 and 9.7.1.	No	
5.2.18	Numerous factual, scientific and legal errors were made, which warrant delisting it. The Harding Drain is entirely manmade. TID's irrigation system which isn't intertwined with natural streams, is not a tributary of any water of the U.S. The Harding drain must be removed from the list because there is no federal regulatory authority under the Clean Water Act over it.	Please refer to the response for Comment Nos. 5.2.2 and 9.7.1.	No	
5.2.19	At a minimum federal regulations require public notice, opportunity for comment and testimony, and public hearings before adoption of beneficial uses and water quality objectives. Porter-Cologne requires the RWQCB adopt its water quality plan, and amendments thereto including beneficial uses and water quality objectives only after public notice and a public hearing. No notice was provided for the RWQCB's intent to consider, or ever adopt beneficial uses and water quality objectives for the Harding Drain, therefore these standards are void.	Please refer to the response for Comment Nos. 5.2.2 and 9.7.1.	No	
5.2.20	Turlock Irrigation District has identified factual and legal bases for removing these waters from the proposed 303(d) List. The listing is not warranted under federal law because current impairment of valid uses of water quality objectives has not been evidenced. Therefore, the RWQCB should not add Don Pedro Lake or the Lower San Joaquin River to the 303 (d) List for mercury, and it should remove the Harding Drain from the 303 (d) List.	Please refer to the response for Comment Nos. 5.2.2 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.3.1	The criteria being used from the State of California and Canada for various pesticides should not be used. Applicable federal criteria and the RWQCB Basin Plan WQOs should be used.	<p>In this assessment, RWQCB staff used the following hierarchy to determine the applicable criteria for use in evaluating potential impacts on aquatic life: (1) RWQCB-adopted performance goals (numeric performance goals are described for some rice pesticides); (2) the most recently developed USEPA/Department of Fish & Game criteria; and (3) Canadian water quality guidelines. RWQCB staff used water quality guidelines from the Canadian Council of Environmental Ministers, the Canadian national environmental agency, when criteria derived in the U.S. were not available. The Canadian protocol for derivation of water quality guidelines to protect aquatic life includes a minimum toxicological data set for fish, invertebrates, and plants. The guideline for a given pollutant is derived based on the lowest-observable-effect level (LOEL) of the most sensitive stage of the most sensitive organism.</p> <p>This approach is consistent with the overall methodology for developing the list. Please refer to the response for Comment No. G.11.21.</p>	No	
5.4.1	The description of the methodology is vague, leaving decisions open to judgement and interpretation. To make a determination of "impairment" is a complex process and requires multiple lines of evidence to be considered. However it is not apparent how weight of evidence would be used in the case of azinophos-methyl.	Please refer to the response to Comment No. 5.3.1.	No	
5.4.2	It is still unclear what exceedance of the criteria actually results in impairment of the water body.	Please refer to the response to Comment No. G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.4.3	"Pesticides concentrations shall not exceed the lowest levels technically and economically achievable". In Central valley RWQCB applicable water quality objectives, this statement is not clear. Are the low levels in reference to water concentrations, water treatment concentrations, analytical methods, etc.?	<p>This statement referred to in the comment was quoted from the RWQCB Staff Report on Recommended Changes to the section 303(d) list. The commenter is referring to text that was quoted directly from the Central Valley Regional Board's Basin Plan for the Sacramento River and San Joaquin River Basin. The objective referenced in the comment is in the section entitled "Water Quality Objectives for Inland Surface Waters," so the text refers to pesticide concentrations in inland surface waters in the Sacramento and San Joaquin River Basins, including the Delta.</p> <p>The narrative objectives described in this section potentially apply in the evaluation of potential impacts in surface waters (from Section III of the Basin Plan).</p>	No	
5.4.4	The aquatic life criteria has been set at 0.1 ug/L based on a U.S.EPA criteria derived in 1976. The value is historic and doesn't use current EPA methods for deriving water quality criteria. This old approach biases the criterion for the extreme-worst case, and in the case of azinphos-methyl is far too restrictive. It should not be used.	The Central Valley RWQCB used the aquatic life criteria of 0.1 ug/L, based on a U.S.EPA criterion.	No	
5.4.5	Further evidence that the water quality criteria does not reflect the current state of knowledge on azinphos-methyl comes from a study conducted by Bayer Corp. in 1989. The study demonstrates that biologically significant effects on pond mesocosms did not occur with acute azinphos-methyl concentrations below 0.95 ug/L. The historical 0.01ug/L criteria used by Central Valley RWQCB is far too restrictive.	Please refer to the response to Comment No. 5.4.6.	No	
5.4.6	The criteria value selected for drinking water protection by the Central Valley RWQCB for azinphos-methyl at 0.02 ug/L is not justified, it is from the Canadian criteria and is over the U.S.EPA criteria of 87.5 ug/L.	In this case, the RWQCB applied the most stringent criterion for waters with both drinking water and aquatic life beneficial uses.	No	
5.4.7	It is unclear which evaluation methods RWQCB staff used to determine chronic aquatic life and drinking water exposures, and they do not seem appropriate. Justification of the RWQCB methodologies for inferring the exceedance of the chronic criteria is needed.	The evaluation methods RWQCB staff used are outlined in Appendix A, beginning on page A-14 of the RWQCB Final Staff Report on Recommended Changes to CWA Section 303(d) List.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.4.8	Can the likelihood of exceedance on a "periodic" basis be accurately determined using data limited to only 2-3 years, often from several years ago? Can RWQCB list waters as impaired based on a particular pesticide based on a such a "periodic" basis?	When the available data indicates that a significant frequency of exceedance has occurred that is not attributable to a unique event (i.e., a documented pollution source such as a chemical spill; an erroneous data point; or historic chemical use activity), then it may be concluded that the occurrence of the exceedances would likely recur.	No	
5.4.9	Azinphos-methyl use in has been declining for several years. Consideration of reduced use/use trends, must be considered by the RWQCB as part of the evaluation process.	The 303(d) process requires the SWRCB and RWQCBs to assess whether standards are attained. Usage trends will be considered in the development of the TMDL.	No	
5.4.10	In Colusa Basin Drain azinphos--methyl was only detected in one of three years of monitoring, in 1997 but not 1996 or 1998. Thus it is unclear how it was determined that this water body would have additional detections, the data does not support that the detections were "periodic", as was determined by R5.	As summarized in the Colusa Basin Drain, Azinphos-methyl Fact Sheet prepared by the RWQCB, the majority of the data (15 of 21 sample dates) occurred in 1997. The samples dates in 1997 likely spanned a more representative period than the 1996 (two sample dates) and 1998 (4 sample dates) periods and indicated a significant frequency of exceedance (40% in 1997, 28% over all three years). The SWRCB fact sheet will be updated with this information.	Yes	Volume III, Region 5
5.4.11	The significant reduction in azinphos-methyl use and the use of more appropriate water quality criteria, indicates that the listing of Orestimba Creek is not necessary.	Please refer to the response for Comment No. 5.4.9.	No	
5.4.12	The low concentrations observed, the lack of detections, reduced use , and the use of appropriate water quality criteria, indicate that the Colusa Basin Drain listing for azinphos-methyl is not necessary.	<p>If water quality data collected in the future show that the concentrations of azinphos-methyl in the Colusa Basin Drain have decreased to levels below relevant criteria, the RWQCB will consider removing the Colusa Basin Drain from the list for azinphos-methyl.</p> <p>The water quality criterion (0.01 ug/L) used by the CVRWQCB for evaluating the concentrations of azinphos-methyl detected in the Colusa Basin Drain is the most current USEPA criterion available for azinphos-methyl.</p>	No	
5.5.1	Many of the new listings (and many of the older listings) are based on limited data and older data that is not representative of current pesticide use conditions. This brings into question the validity of the 303(d) list.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.5.2	The RWQCBs follow the approach outlined by the NRC (2001) document "Assessing the TMDL Approach to Water Quality Management". Water bodies that have the type of data described in this document should be placed on the "Watch List" rather than the 303(d) list.	Please refer to the response to Comment Nos. G.10.1, G.10.2, G.11.11.	No	
5.5.3	Table 1 - Clarification is needed on the media measured for various pollutants.	In each case staff have identified which media the measurements used were made. The report was changed to better define the term "medium".	Yes	Volume I, Methodology Used to Develop the List
5.5.4	It is still unclear how the affected area of impairment is determined. For example - how many sample sites on a 10 mile stretch would need to have exceedences in order for the segment to be impaired?	Please refer to the response to comment G.11.21.	No	
5.5.5	Using only one line of evidence for listing may produce false positives (reporting impairment when there is no impairment) and result in incorrect listing of impaired water bodies.	This depends on the standard and amount of data available. Please refer to the response to comments G.11.21, G.11.18, and G.11.20.	No	
5.5.6	Commenter objects that old data indicating impairment can keep a water body on the list even if new data indicates that the pollutant levels have significantly dropped.	Please refer to the response to comment G.11.12 and 9.7.1.	No	
5.5.7	There is no minimum amount of data needed in order to determine that a water body is impaired. Water bodies without enough data should be placed on the Watch List.	Please refer to the response to comment G.11.18, G.11.20, and G.11.21.	No	
5.5.8	Applaud the RWQCB for only using data with documented QA/QC procedures.	Comment acknowledged.	No	
5.5.9	More detail on how the rankings were determined need to be explained.	Please refer to the response to comment G.11.9 and G.11.10.	No	
5.5.10	It will cost \$250,000 to develop a water quality management strategy for each water body and pollutant and will take about 50 years to do this for all listed water bodies. Where is the accountability? How are staff obligated to develop wise plans if they are not responsible for seeing them through?	Comment acknowledged.	No	
5.5.11	The pesticide criteria is too conservative and overprotective.	Comment acknowledged.	No	
5.5.12	The RWQCBs are wrong to use "criteria" for PCHs. Detection of a pesticide does not indicate an adverse effect on water quality.	The comment is directed towards existing water quality objectives contained in the RWQCB's Basin Plan. Please refer to the response for Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.5.13	The following statement needs more explanation, "Pesticide concentrations shall not exceed the lowest levels technically and economically achievable.	Please refer to the response to comment 5.3.1. The narrative objective was not used to identify waters on the section 303(d) list.	No	
5.5.14	The RWQCB needs to identify appropriate reference areas (minimally degraded streams), particularly for agricultural areas.	Comment acknowledged.	No	
5.5.15	Bioassessment should be used in order to determine the toxicity of multiple stressors.	Comment acknowledged.	No	
5.5.16	The RWQCBs should not be using the LC50 value for chemicals that are lacking criteria. This value is too conservative. Companies should be allowed to fund toxicity studies in order to determine what criteria is applicable.	Comment acknowledged.	No	
5.5.17	The use of a 0.1 safety factor with a lowest-observable-effect-level (LOEL) from the most sensitive life stage of the most sensitive species is highly conservative and overprotective.	The comment is directed towards the description of the protocol for derivation of Canadian water quality guidelines contained in the RWQCB's staff report on recommended changes to the section 303(d) list. In the absence of criteria derived using USEPA methods, the Canadian water quality guidelines are appropriate and consistent with the Basin Plan water quality objectives. The Canadian water quality guidelines were not used as the basis for any proposed listings.	No	
5.5.18	Clarification is needed on whether an average or geometric mean is used for all toxicity endpoints for all studies.	The Pesticide Action Network of North America used an arithmetic mean to derive their proposed criteria.	No	
5.5.19	The units of measurement need to be included.	The table heading was inadvertently deleted from pages A-20 and A-21 of the RWQCB staff report supporting the proposed section 303(d) list. The heading should read "Table A-4. Aquatic Life Protection -- Criteria are in ug/L" (also see the RWQCB's draft recommendations dated 27 September 2001). The table heading for Table A-5 (pages A-22 and A-23) does include the units (ug/L).	No	
5.5.20	The rationale behind the methods used for the interpretation of the data is unclear.	RWQCB staff provided a specific rationale for each listing decision in the fact sheets provided in Appendix B of the staff report supporting the proposed additions to the section 303(d) list. The SWRCB fact sheets summarize the RWQCB submitted recommendations.	No	
5.5.21	The methods by which staff infers what conditions exist when there is a data gap are vaguely presented and contain a high degree of uncertainty.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.5.22	The document states that if no samples are collected on one or more of the previous three days, the concentrations on those 3 days are assumed to be zero for the purposes of calculating a 4 day average. This is illogical and certainly has no scientific rationale.	This comment is in reference to the RWQCB Staff Report. Comment acknowledged.	No	
5.5.23	The document states that "a significant exceedence of a of a chronic criteria on a single day (by a factor of 4) would imply exceedence of the 4 day average concentration". This would not necessarily be true in highly flashy streams.	This comment is in reference to the RWQCB Staff Report. Comment acknowledged.	No	
5.5.24	The RWQCB provides some variance to a "unique event" in the exceedence of the chronic criteria but a clear definition of this term is not provided. Is a rain event considered a unique event since the normal condition is no rainfall?	Please refer to the response for comment G.11.21. Since rain is expected every year, it is not considered a unique event.	No	
5.5.25	The document states that "few data with consistent exceedences could provide evidence of impairment in one case, whereas, more data would be needed in another instance in which infrequent exceedences occurred". This approach seems biased and overprotective.	This comment is in reference to the RWQCB Staff Report. Comment acknowledged.	No	
5.6.1	All proposed listings and prior listings for diazinon and chlorpyrifos should be removed from the 303(d) list because the criteria used was unlawful.	<p>The evaluation criteria used to interpret existing narrative water quality objectives are consistent with the guidance for interpretation of narrative objectives provided in the Central Valley Basin Plan. This guidance is described in the RWQCB's staff report on the 2002 section 303(d) list.</p> <p>If water quality objectives are not attained, the State is required to identify that water quality limited segment on the 303(d) list (see 40 CFR § 130.7 (b)(1) et seq.).</p>	No	
5.6.2	The reported findings of exceedences for diazinon and chlorpyrifos are unreliable and the findings reflect either too few measurements or measurements not representative of current product usage.	The data were collected in a valid way and that they support the recommendations for listing. During the next listing cycle, the Central Valley RWQCB will review any new data that indicates there is currently a decline in agricultural diazinon and chlorpyrifos usage and that such a usage decline will be maintained into the future. The RWQCB staff will also review any new water quality data of diazinon and chlorpyrifos concentrations in the water bodies recommended for listing.	No	
5.6.3	The process used to establish the "numeric criteria" for diazinon and chlorpyrifos was unlawful.	Please refer to the response for comment 5.6.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.6.4	The methods used to arrive at the numeric criteria for diazinon and chlorpyrifos are 20 years old and are no longer valid.	The USEPA guidance for derivation of water quality criteria for the protection of aquatic life have not been revoked and are, therefore, still valid.	No	
5.6.5	The Draft Report's methodology is not consistent with current science, which favors biological parameters over chemical parameters.	The methodology presented in the report must address legal requirements as well as the current state of scientific practice. The methodology is consistent with both legal requirements and current scientific understanding. Also, please refer to the response for comment G.11.21.	No	
5.6.6	The SWRCB should rely on the more general "Toxicity" or "Chemical Constituent" objectives when dealing with toxicity unrelated to pesticides or the presences of chemicals from sources other than application of pesticides.	Comment acknowledged.	No	
5.6.7	The RWQCBs focus for the 303(d) for pesticides was on the "Toxicity" objective, is the wrong approach.	The RWQCB reviewed all applicable water quality objectives in determining whether objectives were being attained.	No	
5.6.8	The data that indicated exceedences of the suspect "water quality standards" are so limited and old that they could not rationally or legally support the proposed conclusions.	Please refer to the response for comment 5.6.2.	No	
5.6.9	The following water bodies should not be listed because they have no beneficial uses designated that can be impaired: Del Puerto Creek, Ingram/Hospital Creek, Jack Slough, and Newman Wasteway.	As acknowledged by the commenter, and as stated in the 'Surface Waters' subsection of Section II (Existing and Potential Beneficial Uses) of the Basin Plan, "The beneficial uses of any specifically identified water body generally apply to its tributary streams." Thus, the designated beneficial uses for the San Joaquin River apply to Del Puerto Creek, Ingram/Hospital Creek, and the Newman Wasteway, and the designated beneficial uses for the Feather River apply to Jack Slough.	No	
5.6.10	There is no evidence that has been presented to the Board that indicates that diazinon presents any impairment to the following beneficial uses: agriculture, recreation, freshwater habitat, migration and spawning.	It is appropriate to compare diazinon concentrations measured in water samples to established California DFG aquatic life protection criteria to evaluate whether water quality standards are being met or exceeded. The UC Davis data are not recognized, nor intended, as water quality criteria and should not be used by themselves to evaluate whether water quality standards are being attained.	No	
5.6.11	Data collected at UC Davis indicate that if exceedences of the "water quality standards" for diazinon were to occur, there would be no evidence for any impairment.	Please refer to the response for comment 5.6.10.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.6.12	NRC has stated that reliance on the CDFG methods used to develop the "water quality standards" are antiquated and inaccurate.	Comment acknowledged.	No	
5.6.13	The SWRCB does not describe how it determines what should or should not be on the Watch List. The SWRCB should develop criteria for the Watch List, and then delist certain water bodies and place them on the Watch List.	Please refer to the response to comment G.10.1, G.10.2, and G.11.11.	No	
5.6.14	The SWRCB needs to identify what water quality objective that was exceeded for any water body on the 303(d) list for diazinon.	The narrative objectives for pesticides and toxicity are not being attained for diazinon. The narrative objective for pesticides states "No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses." The narrative toxicity objective in the Basin Plan states, in part, "All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." The narrative toxicity objective further states that "The Regional Water Board will also consider numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective."	No	
5.6.15	Circulation of the Draft Report for comment does not meet the applicable public participation requirements per 40 CFR Part 25.	Compilation of the 303(d) list is not a rulemaking activity. It is merely a federally required report about the status of certain waters. The report itself has no social, economic or environmental consequences. Any such consequences flow from the status of the waters themselves, and not the report generated about them. Accordingly, 40 CFR section 25.2(a)(1) does not make Part 25 applicable to these proceedings. Notwithstanding, in an effort to fully involve the public, the SWRCB has undertaken numerous activities directed toward public participation. The public participation activities completed included: the text of the document was made available to the public, all comments have been included in the report and the administrative record, transcripts of the hearing were developed, responses have been developed for all comments and Volume IV presents where changes have been made in response to comments. These activities are fully consistent with the provisions of 40 CFR Part 25.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.7.1	There is no evidence to support the new (and the 1998) listings for chlorpyrifos, therefore remove them all from the list.	As indicated in the Fact Sheets, the new (and existing) listings for chlorpyrifos are based on water quality data that indicates significant exceedances of relevant water quality objectives and criteria. The California DFG criteria used for evaluating chlorpyrifos (and diazinon) concentrations measured in water bodies are not to be exceeded more frequently than once every three years on the average. The frequency of measured chlorpyrifos concentrations in the new proposed listings clearly exceed the criteria. With respect to the 1998 listings, please refer to the response for Comment No. G.11.11.	No	
5.7.2	The description of the methodology does not demonstrate implementation of an effective monitoring strategy to provide credible evidence of impairment, as requested by USEPA in its recent integrated report guidance.	The methodology is used to interpret all readily available data and information against existing water quality standards. In 2001, the SWRCB and RWQCBs began implementation of the Surface Water Ambient Monitoring Program. The new monitoring effort is consistent with the guidance.	No	
5.7.3	From the fact sheets it is clear that only very limited chemical monitoring data was considered and collected with no apparent sampling strategy. Because of the uncertainty associated with prediction based on this data, we recommend that these water bodies be removed from the 303(d) list and placed on the Watch List.	Please refer to the responses for comment 5.7.1.	No	
5.7.4	Improper conclusions based on limited data for the 2002 and 1998 lists applies to all water bodies listed for chlorpyrifos. This is due to reliance on limited chemical monitoring/single species toxicity testing to determine impairment, which is inadequate.	The recommendations for the existing and proposed listings of water bodies for chlorpyrifos are based on interpretation of the narrative toxicity objectives and policies specified in the Basin Plan using available water quality data. The data sufficiently shows that the relevant criteria were exceeded on a frequent basis.	No	
5.7.5	Elimination of most urban uses of chlorpyrifos will guarantee decreased presence of chemical residues, which over time guarantees no impairment. Based on this, all previous and proposed listing of urban water bodies for chlorpyrifos should be removed.	It is probable that chlorpyrifos will continue to be used in the urban setting. The Central Valley RWQCB will continue to work with other entities to reduce the impact of chlorpyrifos use to water bodies. When data shows that water quality objectives for chlorpyrifos are being met, these water bodies will be removed from the list.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.7.6	The Board was wrong to use CDFG criteria for chlorpyrifos. This criteria has not gone through proper review. The Board should have used the USEPA's (reviewed) criteria. Additionally, the CDFG criteria is overly protective when compared to the USEPA criteria.	The California DFG criteria were derived using the USEPA's methodology for deriving criteria for the protection of aquatic life. Those criteria were developed in 2000, whereas the USEPA chlorpyrifos criteria were published in 1986. The DFG criteria are more relevant since they include up to 14 years of additional toxicity test results.	No	
5.7.7	In the 2002 listing, only one study was cited. Any comparisons made between past studies and recent studies were not documented, and the evidence given for listing is inadequate.	Please refer to the responses for comment 5.7.1.	No	
5.7.8	What is the scientific justification for applying a four day averaging window to hydrologically flashy NPS systems to determine impairment from chronic effects? No authority was cited.	The USEPA methodology for derivation of criteria is not specific to pollutant source or to a specific type of hydrologic system. The derivation of criteria is focused on determining the level necessary to protect aquatic life.	No	
5.7.9	None of the methods used provide reliable estimates of chlorpyrifos exposure to aquatic life that would result in impairment from chronic toxicity.	The USEPA methodology for derivation of criteria for the protection of aquatic life provide an appropriate metric for determining whether Regional Board water quality objectives are being attained.	No	
5.7.10	The impacts of compounds on some zooplankton populations are not measurable due to the organism's high rate of increase, despite chemical residue levels that suggest an acute impact on individual organisms.	Comment acknowledged.	No	
5.7.11	An exceedence on a periodic basis does not necessarily indicate impairment. Therefore, periodic exceedences should be used to place water bodies on the Watch List.	Comment acknowledged.	No	
5.7.12	Only 3 years of sampling are cited. The criteria used has not undergone adequate review. Multiple lines of evidence have not been used to demonstrate impairment, the cause, and an appropriate listing.	Please refer to the response to comments G.11.21, G.11.12, G.11.18 and G.11.20.	No	
5.7.13	There is no evidence that this data is representative of the current conditions. Multiple lines of evidence were not used. The CDFG criteria have not undergone appropriate review.	Please refer to the response to comments G.11.21, G.11.12, G.11.18 and G.11.20.	No	
5.7.14	The water body is a concrete lined flood control channel, suggesting a use attainability analysis is necessary.	Please refer to the response to comment 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.7.15	What are the specific channels in the 48,000 acre-area experiencing impairment? If specific channels cannot be listed, how does the data used for the 1998 listing demonstrate that impairment exists in all channels? If the data is not robust spatially, they cannot apply to all channels, are faulty, and lead to improper conclusions regarding the water quality status of the water body.	<p>The portion of the Delta Waterways impaired by low dissolved oxygen (DO) is the San Joaquin River from the Stockton Deep Water Channel to Disappointment Slough (1,461 acres), as described by existing DO data.</p> <p>The Delta Waterways are a complex, interconnected network of many channels subject to tidal influence (including reversed flow), periodic pumping and water diversion, and other flow modifications. The spatial distribution of sample locations for the existing data supports the conclusions that the entire Delta Waterways is affected. Since the sources for the pollutant/stressor (other than DO) concentrations are not entirely attributed to point sources (and are likely mostly from widely distributed non-point sources), the likelihood exists for them to occur throughout the Delta and to affect the entire Delta Waterways.</p>	No	
5.7.16	Data cited are for the 5 year period ending in 1998. After 1998, most urban uses of chlorpyrifos have been eliminated. Due to this change in product use, the listing data are faulty.	Please refer to the response for comment 5.7.5.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.8.1	Water bodies affected by the New Idria Mines should be elevated to the top of the 303(d) list.	<p>The commenter submitted documentation related to mercury and other problems in San Carlos Creek due to runoff from the New Idria mine in San Benito County.</p> <p>Staff has reviewed the data that has been submitted. We have been aware of the New Idria site as a potential mercury source and will investigate loading from the San Carlos Creek and Panoche Creek watersheds as part of our mercury efforts in the Delta and San Joaquin River. The implementation plans for the Delta and San Joaquin River will evaluate the feasibility and benefit of various corrective actions, including mine remediation. It should also be noted that the USEPA Superfund Program has conducted a preliminary investigation at the New Idria mine site.</p> <p>The contractor for the USEPA concluded in the preliminary investigation that the greatest potential hazard associated with the site was as a source of mercury in the Mendota Pool and San Joaquin River. The preliminary investigation, together with other readily available information, indicates that risks to beneficial uses of San Carlos Creek are not great. The creek is not a human drinking water source and does not support a fishery. This contrasts with other waters that are listed for mercury contamination and are a higher priority.</p> <p>Given that higher priority (medium or high) has been given to mercury-contaminated water bodies in which consumption of fish can lead to significant human and wildlife exposure. Due to the relatively low exposure risk in San Carlos Creek versus other Central Valley streams contaminated with mercury, staff recommend that TMDL development for mercury in San Carlos Creek be given a low priority.</p>	No	
5.8.2	It has been clearly recognized for over 3 decades that the New Idria Mines is a huge source of mercury, acid mine drainage and waste contamination into San Carlos Creek, Silver Creek, and Panoche Creek.	Please refer to the response to comment 5.8.1.	No	
5.8.3	The total extent of stream contamination from these mines is over 4.5 miles.	Please refer to the response to comment 5.8.1.	No	
5.8.4	These water bodies, which are used for drinking water supplies, run orange from the contaminants from the mines each and every year.	Please refer to the response to comment 5.8.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.8.5	The contaminants causing serious impairment to these water bodies are mercury, pH, copper, nickel, turbidity, sulfates, iron, and a variety of other contaminants related to acid mine drainage.	Please refer to the response to comment 5.8.1.	No	
5.8.6	A compilation of reports, documents and findings were submitted to the Board to update the current information on this large public health and environmental problem. This is proof that these water bodies clearly qualify for higher priority on the 303(d) list: San Carlos Creek, Silver Creek, and Panoche Creek.	Staff has reviewed the data that has been submitted. Please refer to the response to comment 5.8.1.	No	
5.9.1	TMDLs are not appropriate for the segment of the San Joaquin River that was turned into a dry riverbed by acts of the federal government that were approved by the state.	The commenter provided water quality information that has already been reviewed by RWQCB staff and that data does not support a change in the current listings for the San Joaquin River. Please refer to the CVRWQCB Staff Report for more information.	No	
5.9.2	The term "water quality impairment" assumes that the water body actually contains water. The segment of the San Joaquin River between Gravelly Ford and the Merced River does not carry San Joaquin River water except for occasional springtime flood releases from Friant Dam, and most of that water is diverted at the Bifurcation Structure into the East Side Bypass.	Please refer to the response to comment 5.9.1.	No	
5.9.3	We question how the State and Regional Board expect the Exchange Contractors to meet the 700 EC at Vernalis criteria.	Comment acknowledged.	No	
5.9.4	Meeting water quality standards in the intensively managed San Joaquin River is more an issue of water project management rather than upstream.	Comment acknowledged.	No	
5.9.5	The data used to show salinity and electrical conductivity exceedences has been exaggerated by statistical games, and that the data does not accurately represent the actually conditions.	Please refer to the response to comment 5.9.1.	No	
5.9.6	The listing of the San Joaquin River ignores the real reason for its impairment, which is the Central Valley Project authorized by Congress.	Please refer to the response to comment 5.9.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.9.7	Blind adherence to a 303(d) submission without acknowledging the role of Congress makes no sense. The Exchange Contractors are willing to help develop achievable solutions that can improve the water quality of the San Joaquin River system.	Please refer to the CVRWQCB response to comment 5.9.1.	No	
5.9.8	The San Joaquin River be should removed from the 303(d) list. All implementation of the San Joaquin River TMDLs that apply to the Exchange Contractors should be held in abeyance while the Exchange Contractors work with the SWRCB and RWQCBs and USEPA to develop a reasonable and achievable alternative.	Please refer to the response to comment 5.9.1.	No	
5.10.1	Lack of monitoring data is an acute problem in the Northern Sacramento Valley. Cherokee Mine, Humboldt Burn Dump, Holly Sugar and Agriculture are just some of the point and nonpoint sources that have been either inadequately monitored or completely ignored by the RWQCB.	Comment acknowledged.	No	
5.10.2	There is a lack of communication with the public. One Waterbody Butte Environmental Council (BEC) proposed was not listed because a report that was quoted with this citation was not submitted with the public comment letter. Surely an attempt to contact the commenter would have been appropriate since not all commenters were aware of the need to supply documentation.	Comment acknowledged.	No	
5.10.3	In 1998 our comments were "lost" on a RWQCB desk in Sacramento. This story is now well known, but it left the north state tributaries without attention. Considering that the 2000 list was postponed, the water bodies are still in need of attention.	Comment acknowledged.	No	
5.10.4	Lack of mapping. It would be very helpful for the SWRCB and RWQCBs and the public to have access to adequate maps of the regions and all the water bodies found there. It would help the Boards and the public to see the big picture.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.10.5	We appreciate that Butte Slough the lower segment of Butte Creek is on the 303(d) List for 2002 for diazinon and molinate. However, Butte creek is under monitored and therefore underlisted on the 303(d) List.	<p>The commenter is correct in stating that portions of Butte Creek are likely to be impacted due to diazinon and molinate, since Butte Creek flows into Butte Slough and can make up most of the flow in Butte Slough. Although the commenter has made a reasonable inference, we do not generally recommend listing waters unless data specific to those waters is available.</p> <p>The commenter also presents draft data from constructed agricultural drains in the Butte Creek watershed that show high levels of diazinon. Since the data is not specific to Butte Creek and we do not have diazinon data available for Butte Creek, staff does not recommend listing Butte Creek for diazinon.</p>	No	
5.10.6	Dead Horse Slough has mean lead concentration in sediments of 442 ppm though a background concentration of Little Chico Creek on has 15 ppm. This segment was rejected for listing since the RB is involved in the remediation of the burn dump. The major delay remains that the city of Chico wants to build homes on the property instead of cleaning up contaminants that move down the slough into Sacramento River and Little Chico creek. Listing the slough would motivate City and County to stop the pollutant load that enters the slough and clean the toxic sediment.	RWQCB staff is currently investigating the Humboldt Road Burn Dump, the site that appears to be impacting Dead Horse Slough. The investigation is following the National Contingency Plan with the RWQCB as the Administering Agency. The Remedial Investigation Reports have been submitted and are being reviewed. Since the source of the lead is likely from the site under investigation, the RWQCB should have sufficient regulatory authority to oversee clean-up at that site and in the slough (should such clean-up be needed). Based on the above information, RWQCB staff believes, identification of Dead Horse Slough on the 303(d) list is not necessary.	No	
5.10.7	The Sacramento River Watershed Program Organophosphate Pesticide focus group has released a draft document "Study of Diazinon Runoff in the Main Canal Basin During the Winter 2000-2001 Dormant Spray Season". The main canal connects with Cherokee Canal which then joins Butte Creek, a tributary of the Sacramento River. The report indicates that diazinon was found at a high of 42,000 ng/L at one site. The entire reach requires listing immediately.	Please refer to the response to comment 5.10.5.	No	
5.10.8	The commenter supports the conclusion that once it has been shown that standards are achieved and/or beneficial uses are attained the water bodies will be removed from the list.	Comment acknowledged.	No	
5.10.9	The Watch List should be eliminated. It violates the mandate in section 303(d) to have Watch List.	The Watch List has been re-named the Monitoring List. Please refer to the response to comments G.10.1, G.10.2, and G.11.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.10.10	Even where data are available it is not clear how a waterbody made it on the watch list. For example waters on the Watch List because there is "insufficient information", there are no guidelines as to what that means. The water bodies that BEC proposed for listing had insufficient information according to the RWQCB. However, The RWQCB didn't List or Watch List any of those water bodies proposed. Neither the intent, the standards, or the application of the Watch List are clear.	Please refer to the response for Comment G.10.6, G.10.1, and G.10.2.	No	
5.10.11	In order for the public to buy into the 303(d) process, for the 303(d) List to be a success, the State's decisions have to be transparent.	The fact sheets included in the 2002 SWRCB Revision of the Section 303(d) List of Water Quality Limited Segments Staff Report provide more transparency than in previous listing cycles.	No	
5.10.12	There is a list of factors that the staff say they "considered.. In making recommendations". On this list are source of pollutant (#12) and availability of an alternative enforceable program (#13). Such variables may be interesting background data but they can't be used to list a waterbody, since they are completely irrelevant to whether the water body is impaired.	Please refer to the response to comment G.11.21.	No	
5.10.13	Volume 1, Table 2 contains a list of proposed deletions from the 1998 303(d) List. The SWRCB should add a column to that table that briefly describes the reason for de-listing. These reasons should be made readily available to the concerned public.	Please refer to the response to comment G.10.8.	Yes	
5.10.14	Clarification of the discussion in Volume One, the "size affected" values for the list may change in the 2002 list because of new GeoWBS data. These changes must be summarized in a table to have meaningful review and comments.	Please refer to the response to comment G.10.15.	Yes	
5.10.15	Sixty percent of the water flowing into the Delta comes from the Sacramento Valley Region (Annual Report CalFed 2001). Surely this area must become a priority for monitoring.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.11.1	The SWRCB should reconsider its priority ranking for the development of a mercury TMDL for the lower San Joaquin River. The commenter agrees with the SWRCB's proposal to add the lower San Joaquin River to the 303(d) list for mercury. However, the commenter strongly disagrees with the SWRCB's intent to assign a low priority to the development of the mercury TMDL. Recent analytical data indicates that mercury concentrations in aquatic biota in the San Joaquin River are exceeding screening thresholds and may pose ecological and human health risks.	The commenter recommends a higher priority for the mercury TMDL for the San Joaquin River. The current priority is "Medium". The commenter points out that the San Francisco Bay RWQCB has made mercury a "High" priority and that the Bay is fed in part by the San Joaquin River. The RWQCB has made the Delta mercury TMDL a "High" priority and the Delta is the waterbody immediately upstream of San Francisco Bay. In addition, the SWRCB is assigning "High" priority to TMDLs to be completed in 2003 or 2004. Since the San Joaquin River mercury TMDL has not been started, it would not be possible to bring a Basin Plan Amendment to the RWQCB in such a short time frame. Additional time is needed to complete other high priority mercury TMDLs and collect additional data in the San Joaquin watershed.	No	
5.11.2	The San Francisco Bay and Central Valley Regional Boards should work together on their TMDL efforts based on the hydrological connection between their jurisdictions. While the Central Valley RWQCB recommended a medium priority for its lower San Joaquin River mercury TMDL, the San Francisco Bay RWQCB has assigned a high priority for its mercury impaired waters...which are fed in part by the San Joaquin River.	Please refer to the response to comment 5.11.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.11.3	The commenter concurs with the SWRCB's proposed decision to not delete the Grassland Marshes and Salt Slough water bodies from the 303(d) list for selenium impairments. There is overwhelming evidence that the TMDL control measures have thus far been insufficient to meet the water quality objective in the supply channels, therefore strongly recommends that revisions of this TMDL by assigned a high priority in the 303(d) list update.	<p>The commenter points out that the RWQCBs TMDL report indicates that the Grassland Marshes will be taken off the 303(d) list pending compliance with water quality objectives. Staff agrees that the Grassland Marshes should remain on the 303(d) list pending compliance with selenium water quality objectives in wetland supply channels. This would be in conformance with the TMDL approved by US EPA. As indicated in the RWQCB staff report Selenium TMDL for Grassland Marshes, revision of this TMDL or additional listings of supply water sources may be necessary if ongoing monitoring indicates that control measures are insufficient to reduce selenium concentrations in wetland supply channels below 2 µg/L. There are currently a number of actions being implemented to prevent discharge of subsurface drainage into wetland supply channels. The efficacy of these efforts will be evaluated to determine if additional efforts are needed to control sources of selenium in wetland supply channels in the Grassland Watershed. The Grassland Marshes TMDL will be revised if these efforts are unsuccessful.</p> <p>Salt Slough: The commenter opposes delisting selenium in Salt Slough. Staff believes that Salt Slough should be delisted for non-attainment of selenium standards, since a TMDL has been completed.</p>	No	
5.11.4	The SWRCB should place appropriate segments of the Delta Mendota Canal, Mendota Pool and Main Canal on the 303(d) list of impaired waters, and assign a high priority to TMDL development. The lines of evidence implicating selenium is source of these water bodies are sufficient to trigger corrective action by the SWRCB and RWQCBs.	<p>Central California Irrigation District Main Canal: The commenter recommends listing the Central California Irrigation District's Main Canal for impairment caused by selenium. Although the Central California Irrigation District Main Canal provides supply water for the wetland supply canals listed in the Basin Plan, it does not directly provide wetland habitat, and is therefore not recommended for listing since no existing beneficial uses are currently impacted. Any impact of the Main Canal and sources to the Main Canal will be addressed through the Mendota Pool TMDL and any necessary revision of the Grassland Marshes TMDL.</p> <p>Delta-Mendota Canal: We agree with the recommended listing and have prepared a fact sheet documenting the basis for that determination.</p> <p>Mendota Pool: We agree with the recommended listing and have prepared a fact sheet documenting the basis for that determination.</p>	Yes	Volume, Region 5

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.12.1	Propose evaluating whether there is some compelling purpose in listing, and thereby, commencing a process to create regulatory TMDLs, particularly in light of the SWRCB's nonpoint source policy, whereby agricultural drainage is to be controlled by the three-tier program. In order for the Administrative actions by the SWRCB to withstand legal challenge, such action must be supported by substantial evidence in the record. Therefore, the particular proposed listings of concern discussed, should be kept in mind that in order for them to be sustained, The SWRCB must have been relying on reliable substantial evidence in the record that these water bodies violate water quality standards.	Please refer to the responses to comments G.10.6 , G.10.12, G.11.21.	No	
5.12.2	Bioassay and biomonitoring is the trend in water quality monitoring and assessment of particular water bodies and underscores that mere chemical analysis, without more, only reflects a single type of data and it is an over simplistic approach to evaluation of the quality of water.	Comment acknowledged.	No	
5.12.3	As with the NAS recommendation, we should "link environmental stressor to biological responses" and "wider use of biocriteria monitoring at the State level because bio-criteria are better indicators than our chemical criteria.". These recommendation by the NAS are revising the approaches to water quality monitoring throughout the nation. California should not lag behind cutting science.	Please refer to the response to comment G.11.21.	No	
5.12.4	The SWRCB should take note that EPA has developed specific criteria for determining critical levels of pesticides in water, which thoroughly reviewed and officially adopted. This is in contrast against the RWQCB's reliance on California Department of Fish and Game's alleged standards, which are not reflected in the Basin Plan, and have not been reviewed nor officially adopted, which are by all measures, extremely over conservative in both the criteria number and the species which they have selected to arrive at the number.	Please refer to the response to comment 5.3.1 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.12.5	The use of RWQCB narrative standards are problematic, because there are multiple terms that may be applicable to agricultural drainage and each have inconsistent standards. There are narrative standards for pesticides, different standards for toxicity and different standards for chemical constituents. Because they are each different, they cannot be applied and interpreted for the same manner. It needs to made clear that, the pesticide standard (the most specific and appropriate standard) is the standard, which will be applied to pesticides.	The RWQCB reviewed all applicable water quality objectives in determining whether objectives were being attained.	No	
5.12.6	There is limited data in support of the proposed chlorpyrifos listing. Limited data, measured at limited monitoring stations which demonstrates that agricultural pesticide discharges are only of a temporal nature and result limited spikes at unacceptable levels must be taken into consideration when evaluating the overall influence on water quality. This is of particular concern when some of the alleged impacts are only theoretically present on super sensitive species that are not native to the Central Valley water systems.	Please refer to the responses for comment 5.7.1.	No	
5.12.7	An important consideration in evaluating the water quality data is the time of collection of the data and its evaluating relevance. There have been fundamental and significant changes in agricultural pesticides (chlorpyrifos and diazinon) use involving elimination of urban use, changes in pesticide labels, changes in use practices and the development and implementation of best management practices, all of which have dramatically changed pesticide discharges, and consequently, the impacts on water quality.	Please refer to the response to G.11.21, G.11.18 and G.11.20. The available data shows that water quality standards are not attained. It is true that the uses of these chemicals are changing. When the time comes to develop the TMDL the impact of these chemicals should be re-evaluated to determine whether there is a problem.	No	
5.12.8	Place Del Porto Creek on the Watch List do to insufficient evidence. The data used by the Regional Board does not support the Del Porto Creek listing. The data used to make the listing recommendation were from samples collected in 1991 - 1993. There have been many changes in the use of pesticides (chlorpyrifos and diazinon) from the time that these sample were collected, therefore this data is not sufficiently current to warrant the listing. Furthermore, multiple lines of evidence and scientific evaluation were not employed at the time.	Please refer to the response to comment 5.6.9.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.12.9	Place Ingram Creek on the Watch List do to insufficient evidence. The data use by the Regional Board does not supports the Ingram Creek listing. The data use to make the listing recommendation were from samples collected in 1991 - 1993. There has been many changes in the use of pesticides (chlorpyrifos and diazinon) from the time that these sample were collected, therefore this data is not sufficiently current to warrant the listing. Furthermore, multiple lines of evidence and scientific evaluation were not employed at the time.	Please refer to the response to comments 5.6.9.	No	
5.13.1	An important consideration in evaluating the water quality data is the time of collection of the data and its evaluating relevance. There have been fundamental and significant changes in agricultural pesticides (chlorpyrifos and diazinon) use involving elimination of urban use, changes in pesticide labels, changes in use practices and the development and implementation of best management practices, all of which have dramatically changed pesticide discharges, and consequently, the impacts on water quality.	Please refer to the response to comment G.11.18, G.11.21, and G.11.20.	No	
5.13.2	Bioassay and biomonitoring is the trend in water quality monitoring and assessment of particular water bodies and underscores that mere chemical analysis, without more, only reflects a single type of data and it is an over simplistic approach to evaluation of the quality of water.	Comment acknowledged.	No	
5.13.3	We should "link environmental stressor to biological responses" and "wider use of biocriteria monitoring at the State level because bio-criteria are better indicators than our chemical criteria.". The recommendation by the NAS are revising the approaches to water quality monitoring throughout the nation. California should not lag behind cutting science.	Please refer to the response to comments G.11.21 and 9.7.1.	No	
5.13.4	The SWRCB should take note that EPA has developed specific criteria for determining critical levels of pesticides in water, which thoroughly reviewed and officially adopted. We contrast this against the RWQCB's reliance on California Department of Fish and Game's alleged standards, which are not reflected in the Basin Plan, and have not been reviewed nor officially adopted, which are by all measures, extremely over conservative in both the criteria number and the species which they have selected to arrive at the number.	Please refer to the response to comment 5.3.1, G.11.21 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.13.5	The use of RWQCB narrative standards are problematic, because there are multiple terms that may be applicable to agricultural drainage and each have inconsistent standards. There are narrative standards for pesticides, different standards for toxicity and different standards for chemical constituents. Because they are each different, they cannot be applied and interpreted for the same manner. We need to make it clear that, the pesticide standard (the most specific and appropriate standard) is the standard, which will be applied to pesticides.	Please refer to the response to comment 5.12.5.	No	
5.13.6	There is limited data in support of the proposed chlorpyrifos listing. Limited data, measured at limited monitoring stations which demonstrates that agricultural pesticide discharges are only of a temporal nature and result limited spikes at unacceptable levels must be taken into consideration when evaluating the overall influence on water quality. This is of particular concern when some of the alleged impacts are only theoretically present on super sensitive species that are not native to the Central Valley water systems.	Please refer to the response to comment G.11.20, 5.12.7 and G.11.18.	No	
5.13.7	Evaluate whether there is some compelling purpose in listing, and thereby, commencing a process to create regulatory TMDLs, particularly in light of the SWRCB's nonpoint source policy, whereby agricultural drainage is to be controlled by the three-tier program. In order for the Administrative actions by the SWRCB to withstand legal challenge, such action must be supported by substantial evidence in the record.	Comment acknowledged.	No	
5.13.8	Place Del Porto Creek on the Watch List do to insufficient evidence. The data use by the RWQCB does not supports the Del Porto Creek listing. The data use to make the listing recommendation were from samples collected in 1991 -1993. There has been many changes in the use of pesticides (chlorpyrifos and diazinon) from the time that these sample were collected, therefore this data is not sufficiently current to warrant the listing. Furthermore, multiple lines of evidence and scientific evaluation were not employed at the time.	Please refer to the response to 5.12.8.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.13.9	Place Ingram Creek on the Watch List do to insufficient evidence. The data use by the RWQCB does not supports the Ingram Creek listing. The data use to make the listing recommendation were from samples collected in 1991 -1993. There has been many changes in the use of pesticides (chlorpyrifos and diazinon) from the time that these sample were collected, therefore this data is not sufficiently current to warrant the listing. Furthermore, multiple lines of evidence and scientific evaluation were not employed at the time.	Please refer to the response to comment 5.12.9.	No	
5.14.1	The RWQCB staff should evaluate additional source of sampling data of lower Mokelumne River in the assessment of the River's aluminum impairment. The older data cited in the RWQCB report is not indicative of the present state of the River. The commenter is submitting additional and more recent data. There has been recent improvement to the River's water quality; one specific example is the abatement measures taken at the old Penn Mine site.	Both commenters (5.14 and 5.15) provided data on total recoverable aluminum levels in the Mokelumne River. The commenters ask the consideration of the more recent data in its determination of 303(d) listing. The RWQCB and the SWRCB is now recommending that the Mokelumne River not be included on the 303(d) list for non-attainment of standards due to elevated levels of aluminum.	Yes	Volume III, Region 5

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.15.1	The commenter is submitting data for the Mokelumne River listing for aluminum impairments. The data consists of over 70 separate sampling events that seems to have not been considered in the proposed revisions. These data indicates that aluminum concentration are significantly below water quality standards.	<p>Please refer to the response to comment 5.14.1. Commenter (5.15) provided the most extensive data set. EBMUD has collected 76 samples from the Mokelumne River just downstream of the Camanche Reservoir since 1994. RWQCB staff evaluated this data in lieu of the older U.S. Fish and Wildlife Service data that was collected prior to the remediation at Penn Mine.</p> <p>Two of the 76 samples were above U.S. EPA national acute criteria for the protection of aquatic life . The two samples were also above the MCL. The two samples were collected in January 1997 and February 1997 respectively. No samples taken from 1994 to that time or after have been above the aquatic life or MCL criteria. The average concentration of all samples taken since 1994 is 250 ug/L (see EBMUD comment letter).</p> <p>The issue that RWQCB staff tried to address is whether the two samples collected were truly outliers (unlikely to occur) or whether the two samples were representative of conditions that may occur again. The significant rainfall that fell during December and January likely triggered the high aluminum levels observed in January and February of 1997. The high and frequent rainfall likely resulted in higher than normal amounts of erosion. In addition, the retention time for water in upstream reservoirs would have been decreased, since higher than normal releases would have been required. The decreased retention time would give less time for suspended sediment, which would be the source of most of the aluminum, to settle.</p> <p>RWQCB staff reviewed precipitation data from Camp Pardee, which is located upstream of the Camanche reservoir and the lower Mokelumne River. The highest rainfall recorded at Camp Pardee in the last 50 years occurred on January 2, 1997. The frequency of rain-days in December and January 1997 was higher than average (it rained over 51% of the days versus a historic average of 32%) (UC IPM, 2002).</p> <p>RWQCB staff also reviewed flow records for the Mokelumne River below Camanche Dam. The U.S. Geological Survey's historic monthly mean daily flow records (USGS, 2002) indicate that the monthly mean daily flow in January and February 1997 were the highest and third highest,</p>	Yes	Volume III, Region 5

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		respectively, on record. (97 years).		
		Since the storm events that resulted in the high observed aluminum levels are the most severe on record, it is unlikely that the aluminum criteria will be exceeded. The lower Mokelumne River should not be added to the 303(d) list due to aluminum.		
5.16.1	The commenter has submitted water column chemistry data (electrical conductivity, pH and temperature) to the RWQCB in Fresno on 21 sites directly in the river, and 116 sites where storm and irrigation water discharges into the river.	The commenter indicated to the SWRCB that they submit data to the RWQCB as part of a regular monitoring program. This information was taken into consideration during the RWQCB's initial assessment.	No	
5.17.1	The commenter is submitting data that shows degradation of the water quality and habitat in the lower portion of Deer Creek below Lake Wildwood dam. The degradation of the river stems from; (1) suitable habitat establishment for benthic invertebrates from the dam and (2) discharges of effluent containing high levels of nitrates, phosphates from the Lake wildwood sewage plant. Heavy metal contamination and sediment from storm water drains also affects the Nevada City Area.	<p>The commenter Friends of Deer Creek (FODC) submitted data that they believed showed the severe degradation of Deer Creek (in the Grass Valley/Nevada City area) below the Lake Wildwood dam. RWQCB staff has reviewed the data provided, along with data available from the Lake Wildwood Treatment Plant's discharger monitoring report. RWQCB staff does not believe that the available data supports listing Deer Creek for non-attainment of water quality standards.</p> <p>In summary, the information available to RWQCB staff did not indicate that water quality objectives were not attained based on the data submitted by FODC. However, the FODC studies provide a good foundation for a more in-depth investigation. We recommend more detailed and focused analyses on sections of Deer Creek where monitoring data suggests potential problems.</p>	No	
5.18.1	The commenter shares WaterKeeper's concerns regarding the proposed "Watch List" and "Completed TMDLs List." Any waterbody not meeting standards must be included on the 303(d) List, regardless of whether or not a TMDL has been established.	Please refer to the response to comment G.10.1 and G.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.18.2	<p>The Delta Estuary and the Sacramento and San Joaquin Rivers must be listed on the 303(d) List because of non-indigenous or exotic species. The SWRCB and RWQCBs' claim that exotic species, because discharges from vessel are exempt from NPDES requirements are not a pollutant and defined by the Clean Water Act is fatally incorrect and reflect a misreading of the statute. Numerous water bodies are already identified as impaired by invasive species from the 1998 303(d) List. These water bodies consist of Carquinez Strait, Richardson Bay, San Francisco Bay (Central, Lower and South), San Pablo Bay, Suisun Bay and the Sacramento-San Joaquin Delta. The San Francisco-Sacramento-San Joaquin has been identified as one of the most invaded estuaries in the world with respect to the introduction of exotic, non-native species. The Clean Water Act requires NPDES permits for ballast water discharges and therefore the RWQCB has authority to regulate ballast water discharges of invasive species.</p>	<p>Staff agree that exotic species are a problem in the Delta, but do not believe that exotic species are a "pollutant" as defined by the Clean Water Act and therefore should not be included on the 303(d) list.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.18.3	<p>Numerous Central Valley Waterways should be listed because of temperature. These waterway include but not limited to: the San Joaquin River, Stanislaus River, Merced River, Tuolumne River, Calaveras River, Mokelumne River, Bear River, Sacramento River, Yuba River, Feather River, Colusa Basin River, American River, Clear Creek and Deer Creek. The CWA Section 303(d) explicitly mandates the inclusion of temperature impaired water bodies on the 303(d) List. The RWQCB stated that, determination of the natural receiving water temperature would "require a scientific investigation and modeling effort that is beyond the scope of the 303(d) list update process" and consequently no additions for temperature are recommended.</p> <p>However, the Region 5 staff has admitted that they have ignored the Congressional mandate, and in addition the State and Regional Boards files contain voluminous documentation regarding temperature impairment. High temperature caused by altered flow regimes and increased thermal leading has been identified as a significant reason for the decline of fisheries throughout the Central Valley.</p>	<p>Staff recommends that water bodies not be added at this time to the 303(d) List for temperature in the Central Valley Region. The Central Valley RWQCB's Basin Plan includes the following temperature narrative objective. "The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses." "At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature. Temperature changes due to controllable factors shall be limited for the water bodies specified as described in Table III-4. To the extent of any conflict with the above, the more stringent objective applies. In determining compliance with the water quality objectives for temperature, appropriate averaging periods may be applied provided that beneficial uses will be fully protected."</p> <p>As stated, the temperature objective would require the RWQCB to determine the "natural receiving water temperature" in order to determine whether the temperature has been altered in a manner that affects beneficial uses or to determine whether temperature has been increased by greater than 5°F above natural receiving water temperature. The determination of the "natural receiving water temperature" for the Central Valley RWQCB streams and rivers would require a scientific investigation and modeling effort that is beyond the scope of the 303(d) list update process. Staff do not recommend the addition of any water bodies to the 303(d) list that are impacted due to temperature in the Central Valley at this time.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.19.1	<p>The Avena Drainage District requests that, the SWRCB place the Avena Drain on the Watch List for impairments due to elevated levels of ammonia and pathogens (E. coli). The Avena Drain is man-made and is a facility of the Avena Drainage District, which is indispensable for the management of drainage. The listing of the Avena Drain on the 303(d) list and recognition by the State as a natural water body has serious implication for the use for which it was constructed. Currently, the District is taking steps to correct on-farm practices that will lead to improvements in the water quality of the Avena Drain. The District has submitted a proposal to the CALFED Drinking Water Quality Program. Therefore, provide the District, which has limited resources, with time to improve the water quality in the Avena Drain and to consider placing structure to control the discharge to Lone Tree Creek.</p>	<p>The listing for the Avena Drain is for high ammonia and pathogen levels caused primarily by the unauthorized discharge of dairy waste. These discharges occur in the stormwater or winter season. The listing should remain as described and not be placed on the Monitoring List. The listing was made based on data developed by RWQCB staff and data submitted to the RWQCB by independent parties that shows continued violation of water quality objectives.</p> <p>The commenter raised the issue of the appropriateness of the water quality objectives and beneficial uses for the Avena Drain. We agree with the commenter that there needs to be an evaluation of the nature of the waterbody, the assigned beneficial uses and the water quality objectives. Each of these steps will be carried out as the first part of the development of a TMDL for this waterbody. Unfortunately RWQCB staff cannot, at this time, make a determination of the type of waterbody the Avena Drain is. This waterbody was not considered when the RWQCB conducted a preliminary review to classify waterbody types as part of the Inland Surface Water Plan process (CVRWQCB, 1992).</p> <p>The Avena Drainage District efforts to assist the RWQCB in correcting the present unauthorized discharges of dairy waste to the Avena Drain is appreciated. It is partially for this reason that is recommended a "low priority" for development of this TMDL to give these efforts time to succeed. The listing may also assist in this effort by providing a priority designation for the Avena Drain during consideration of grant funding. With these grant funds and the efforts of the Drainage District and the dairy operators, the water quality violations may be corrected prior to the next listing cycle. If they were able to accomplish this, it would be appropriate recommend removing the Avena Drain from the 303(d) list in the next listing cycle.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.20.1	Fill consideration should be taken in the revisions to the Clean Water Act section 303(d) as to how 'fluoridation' discharges affect the TMDL load and fish population in the San Joaquin River and tributaries. We are particularly concern with the cities of Merced and Los Banos. The commenter is submitting an initial review with bibliographical notation as to what and how so called imported 'fluoridation chemicals' are doing as pollutants to our CA drinking and tap water quality, and WWTP discharges to our rivers and aquifers.	Comment acknowledged.	No	
5.201.1	<p>If the Upper San Joaquin River, the segment between Friant and the Mendota Pool, is to be put on the 2002 303(d) list, when it is a completely dried riverbed, that the TMDL will be suspended until we are able to develop a plan on how to deal with the fact that this segment of the river no longer exists as a river system.</p> <p>This segment of the river became a dried riverbed through agreements initiated by the Central Valley Project and approved by Congress to divert water. We have submitted comments to the Regional Board, but we have not received response to those comment, other than the fact that they are outside of what they and staff felt was the purpose of receiving data with respect to the 303(d) listing. The Regional Board were interested in technical comments and not the fact that it made no sense to list that portion of the San Joaquin River which was dried up due to water diversion.</p>	Please refer to the response to comment 5.11.4.	No	
5.201.2	The water that is present at the Bridge on 99 is a small quantity of water under the operation for the CVP. The water is about a 100 cfs, that is released routinely from Friant just to meet the riparian demands that exist below Friant all the way down to the area call Gravely Ford. From the bifurcation structure and down to Mendota Pool, the river is basically dry.	Please refer to the response to comment 5.11.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.201.3	Delta Mendota canal water is coming into the Mendota Pool, assuming that there are no flood releases. In addition, only the DMC water coming into the pool. Three of the Exchange Contractors member take their water directly of Mendota Pool through their headworks. One of them, the San Luis Canal Company, has its diversion about eight miles downstream at Sac Dam. So water that is released below the dam at Mendota Pool is DMC water that is released solely for the purpose of delivering it to one of the four Exchange Contractors. Further below the San Luis Canal Company service area, any water in the system at that point is return flow that has allowed to flow back into that segment of the river either to deliver water to refuge area which we, the Exchange Contractors, have contracts to do through the Bureau of Reclamation and through the state, to Fish and Game, but none of that water is natural flow in the San Joaquin River. It is all either return flow or DMC deliveries delivered specifically to make those deliveries under the terms of the exchange contract.	Please refer to the response to comment 5.11.4.	No	
5.202.1	The new listing approach should be incorporated into the considerations for this existing listing cycle. In addition, adding of more waters to the existing 303(d) list, many of which seem to have limited data is of concern. In particular, with the limitations of staff time to be able to really fully address those.	The commenter refers to the "new listing approach". If referring to the 303(d) Listing Policy, it is being developed and will not be used for the 2002 303(d) List Process. Please refer to the response to comment 9.7.1.	No	
5.202.2	The Don Pedro Reservoir is list for mercury toxicity, but the data for the listing is very limited. The most recent data was over 15 years old, from 1987. There were no health concerns that have been raised by OEAHHA. In addition, according to the recommendation addition for listing mercury toxicity, Don Pedro Reservoir was the one that had data older than five years.	Please refer to the responses for comments 5.2.8 and 5.2.9.	No	
5.202.3	Application of the Tributary Rule to arbitrarily define water quality objectives for the Harding Drain which lead subsequently to listing of the drain for several constituents if of concern. Comments have been submitted to the RWQCB over the last year about their concerns with the classification of the Hardy Drain as a water of the U.S., however there has been no response from the RWQCB.	Please refer to the response to comment 5.2.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.203.1	Remediation of the New Idria Mercury Mine for 21 years has been initiated. We have been informed that since not many people live out there, the cleanup of the river is low priority. However, countless studies and surveys have been conducted on the area showing that there are serious toxic ramifications from this watershed extending hundreds of miles throughout the San Joaquin Valley to San Francisco Bay. The mercury, methyl mercury, and associated heavy metals released into the San Carlos Creek are about as poisonous as may that could be dumped into a stream and are bioaccumulative toxins. This acid mine drainage affects San Bernardino County by neighboring downstream counties, cattle drink from the San Carlos Creek and wildlife further downstream. In addition, dogs have died from drinking out of the creek.	Please refer to the response to comment 5.8.1.	No	
5.204.1	In the New Idria area the water flows into the San Joaquin Valley. In fact, a lot of this water ends up in the Mendota Pool and eventually into the San Joaquin River.	Please refer to the response to 5.8.1 and 5.11.4.	No	
5.204.2	We request that the New Idria mines be elevated to the top of the 303(d) list for the Central Valley, Region 5. It is a large public health and environmental concern. The San Benito County is located within the jurisdiction of both Region 3 and 5. The mines have been closed since the '70s, and have been recognized since as a huge source of mercury and acid mine drainage and waste contamination into San Carlos Creek, Silver Creek and Panoche Creek, both in San Benito and Fresno Counties. The extent of the contamination runs over four and a half mile extra in the dry season, and the runoff moves into the San Joaquin County and the San Joaquin Valley. These water bodies are currently drinking water supplies, runs ore contaminants from the mine every year. The contaminants causing serious impairments to these creeks are; mercury, pH levels, copper, nickel, turbidity, sulfates, iron and a variety of others. We believe that full review of this information will demonstrate the need to elevate New Idria Mine to the top of the list.	Please refer to the response to comment 5.8.1.	No	
5.205.1	There is acute lack of monitoring data in the northern Sacramento Valley. The commenter is submitting a list of just the sampling of point and non point sources that are severe problems where samples have been taken, that either have inadequate monitoring or it's been completely ignored to date. These are addressed in the next two comments.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.205.2	Cherokee Mine is the second largest gold mine in the state of California. Mercury is all over the land adjacent to the mine. The problem is that, there is a severe lack of data to address the effects of the mercury on this area.	Comment acknowledged.	No	
5.205.3	Holly Sugar is an abandoned industrial site half a mile from the Sacramento River, there has been a great deal of effort to get monitoring done on this area, in addition to the groundwater sampling. The problem is that, there is a severe lack of data to address the effects of the industry on this area.	Comment acknowledged.	No	
5.205.4	Humboldt burn dump road is located in the City of Chico and is the largest burn dump in the state of California. However, there is a severe lack of data to address the effects of the burn dump on this area.	Please refer to the response to comment 5.10.6.	No	
5.205.5	The tributaries to the mainstem are on the 303(d) list, but they have been neglected in monitoring effort. Therefore, due to the lack of monitoring, the actual sources of pollutants from Agricultural practices have not been identified in the main stems of the Sacramento and Feather Rivers.	Comment acknowledged.	No	
5.205.6	Comments submitted in 1998 were lost in Sacramento, as a result those listings were lost for four years. The commenter has submitted the data to the RWQCB, even though the data is very lean. However, the submission of lean data proves even more, that additional monitoring needs to be done of segments of the rivers to determine whether they are clean or polluted.	Comment acknowledged.	No	
5.205.7	The RWQCB and SWRCB should prioritize mapping as high priority. Mapping serves as a visual tool to help determine gaps in waters, in terms of clean vs. unclean areas.	Please refer to the response to comment 5.10.4.	No	
5.205.8	The commenter supports that Butte Slough was added to the proposed 2002, 303(d) list for diazinon and molinate. It is very clear that diazinon and molinate are also found in the upper portions of Butte Creek where agriculture is the main land use. This supports the need for monitoring in the upper watershed of the Sacramento Valley.	Please refer to the response to comment 5.10.5.	No	
5.205.9	Comanche Creek was proposed for 1998, 303(d) list for exceedances in copper, lead and zinc. The commenter intends on submitting additional data collected by the City of Chico, to support that more monitoring needs to be conducted.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.205.10	The City of Chico has delayed cleaning Dead Horse Slough, because they want to build homes on the remediated burn dump site. Dead Horse Slough has mean lead concentration of 442 ppm. This segment was rejected from listing, because the RWQCB is involved in remediation of the burn dump site.	Please refer to the response to comment 5.10.6.	No	
5.206.1	The commenter strongly supports the state's use of the 1998 303(d) list and also supports the additions on the 303(d) list.	Comment acknowledged.	No	
5.206.2	The watch list should be eliminated. The Watch List violates the mandates of Section 303(d) to place impaired water bodies on another list besides the 303(d) list, even if there is an a regulatory program in place to control the pollutants but data is not available to demonstrate that the program successfully. For example there is not a water body from the RWQCB on the Watch List and therefore it does not demonstrate it's usefulness. The North Valley is where the majority of the state's drinking water extends from, yet there is complete inequality in funding for water quality in the Sacramento Valley.	Please refer to the response to comment G.10.4.	No	
5.206.3	The SWAMP Program needs better support, so that equitable funding for monitoring throughout the state is implemented, because all water bodies are important.	Agree. Comment acknowledged.	No	
5.207.1	The Watch List will be used as a convenient place to park things, and it ought not to serve in lieu of a failure to aggressively pursue existing data.	Please refer to the response to comment G.10.1, G.10.2, G.11.11.	No	
5.207.2	There is a lot of data out these developed through NPDES permits, that hasn't been aggressively pursued in compiling the 303(d) list. For example, DWR has certainly not been forthcoming with a lot of data that it has on temperature an dissolved oxygen and on a number of things.	Please refer to the response to comment 5.18.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.207.3	When looking at the proposed list it appear that temperature is not a problem in the Central Valley. The RWQCB did not recommend additional listing for temperature, because it would require them to determine the natural receiving water temperature or to determine whether temperatures have increased more than five years over natural temperature. However, elevated temperatures have been identified as one of the major reasons for the decline of fisheries throughout the Central Valley. The extent of temperature impairment can be found in CalFed EIS, the VAMP EIS/EIR, the restoration for the Anadromous Fish Restoration Program of the CVPIA, environmental documents from various FERC proceedings in Mokelumne, Yuba, Tuolumne, Feather, State Water Board hearing records. Section 303(d) explicitly mandates the inclusion of temperature impaired water bodies on the 303(d) list.	Please refer to the response to comment 5.18.3.	No	
5.207.4	The commenter disagrees with the RWQCBs conclusion that exotic species in not a pollutant as identified by the Clean Water Act, therefore should not be included on the 303(d) list. The Bay-Delta has been identified as one of the most invaded estuaries in the world with respect to the introduction of exotic nonnative species.	Please refer to the response to comment 5.18.2.	No	
5.207.5	We need a more comprehensive systematic, scientifically defensible monitoring and a system that will incorporating all existing data. We also need to establish how much data is required to identify impairment. The real challenge is that, many times, there is not only an exceedence of one constituent, but there are multiple stressors and multiple pollutants.	Comment acknowledged.	No	
5.208.1	The Watch List could be applied on a helpful basis, and it could be perhaps misapplied.	Please refer to the response to comment G.10.1, G.10.2 and G.11.11.	No	
5.208.2	EPA has adopted a section 304(a) for standard and criteria for chemicals (i.e. chlorpyrifos). Yet, the RWQCBs and SWRCB are moving towards using the Department of Fish and Games standards, which are not in the Basin Plan and have not been reviewed and adopted as EPA criteria.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
5.208.3	Then narrative standards at the RWQCB need clarification (i.e. pesticide narratives).The pesticide standard is the clearer standard to use in the Central Valley in regards to pesticides. However, the toxicity standard and chemical constituency standard have different twists also can be applied.	Comment acknowledged.	No	
5.208.4	The data used for Del Puerto proposed listing was collected in 1991 through 1993. There were only 10 sites of 30 sites that exceeded the Fish and Game standard. Since then, the water body has not been noticed or reviewed. This listing would be a better fit for the Watch List.	Please refer to the response to comment 5.6.9.	No	
5.208.5	Ingram Creek requires more evaluation. The data that was used for listing is old. Seven out of 26 sites exceeded the Fish and Game alleged level. This listing would be a better fit for the Watch List.	Please refer to the response to comment 5.6.9.	No	
6.1.1	Haiwee Reservoir should not continue to be listed as an impaired water body.	Haiwee Reservoir was listed as an impaired water body in the 1998 (and earlier) List. No new information was provided during this process and Haiwee Reservoir should remain listed pending the outcome of future technical review (during a subsequent 303(d) list process). See also responses to Comment Nos. G.11.12 and 9.9.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.1.2	"Haiwee Reservoir is an artificial reservoir constructed in 1913...[and] never part of an historic watercourse." Its water has left the "domain of nature and is subject to private control rather than purely natural processes". It is not a "water of the United States" and "does not fall under the aegis of the Clean Water Act and the TMDL process."	<p>For purposes of 303(d) listing, the record developed to prepare the section 303(d) list is not amenable an evaluation of whether the water body is not a water of the State or a water of the U.S. The data solicitation was about, which waters of the region are attaining standards. The SWRCB and RWQCBs did not ask for information about whether the water is or is not a water of the United States.</p> <p>A comment will be added to the list and fact sheet, indicating where relevant, that the question of whether a water quality-limited segment is a water of the U.S. was raised, but that listing is not a determination of that question.</p> <p>The minimal standard for states is to evaluate "waters of the U.S." However, the states have the legal authority to evaluate all applicable waters of the state, regardless of whether they meet the technical definition of "waters of the U.S." California Water Code, not federal law, defines "waters of the state."</p> <p>The Porter-Cologne Water Quality Control Act states that "'Waters of the state' means any surface water or groundwater, including saline waters, within the boundaries of the state." (California Water Code §13050(e)) Haiwee Reservoir is a water of the state identified in Region 6's Basin Plan as having numerous designated beneficial uses to which relevant water quality objectives apply. Hence it is subject to appropriate 303(d) listing if standards are not attained. And because no data has been provided to show that Haiwee Reservoir is no longer impacted by copper (see response to Comment 6.1.1), it must remain listed during the 2002 list process. The commenter will have an opportunity to address its concerns to the RWQCB in due course. The RWQCB intends to schedule a hearing to consider whether Haiwee Reservoir is or is not a water of the U.S. The listing process, which is to determine whether or not standards are being attained, is not the appropriate forum.</p>	Yes	Volume III, Region 6

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.1.3	The drinking water permit issued by the Department of Health Services requires that Haiwee Reservoir water be treated with copper sulfate to combat algal growth that could lead to taste and odor problems. These requirements are mandated by the federal and State Safe Drinking Water Acts. For these reasons, the reservoir should not be listed.	The RWQCB and SWRCB first listed Haiwee Reservoir for copper in 1992. Studies by the Department of Fish and Game showed elevated copper levels in fish (WARM beneficial use). The Reservoir is currently open to public fishing (Rec-2 beneficial use). The Region 6 Basin Plan prohibits measurable amounts of copper sulfate in Reservoir water. Haiwee Reservoir should continue to be listed for copper until such time as new information demonstrates that beneficial uses are no longer threatened.	No	
6.1.4	The City of Los Angeles only applies copper sulfate to treat potential algal blooms, and uses only amounts prescribed by the USEPA-approved labeling. Failure to use copper sulfate, the only alternative treatment for this problem, would result in violations to federal and State drinking water standards. This water supply for approximately 3.8 million people would be jeopardized. Under the federal Safe Drinking Water Act, Congress mandates that highest priority be given to protecting drinking water supplies. State-imposed interference in the form of prohibition of copper sulfate application will conflict with federal law and jeopardize the health of millions of people relying on this water supply.	The SWRCB and RWQCB are mandated by federal and State law to control water quality by protecting beneficial uses. Reasonable control of copper sulfate application will not jeopardize public health--just the opposite. Haiwee Reservoir shows that water quality standards due to copper-containing substances. Designated beneficial uses of water (human recreation, warm-water aquatic fisheries, etc.) are threatened. For these reasons the Reservoir should remain on the section 303(d) list until such time as these facts change. In any event, maintaining the listing of Haiwee in no way suggests that the City of Los Angeles will be prohibited from applying copper sulfate if necessary to protect drinking water. Likewise, even if not listed, that would not suggest the RWQCB lacked authority to regulate the use of copper sulfate if necessary to protect beneficial uses.	No	
6.2.1	Request that the Board footnote or asterisk references to Searles Dry Lake (and similarly situated waters) and note that a determination whether or not the water is a "water of the U.S." will be made by the Regional Board during the basin planning process.	Agree. However, see response to Comment 6.10.2.	Yes	Volume III, Region 6
6.2.2	Include Searles Dry Lake (and similarly situated waters) on Part 4 of the Section 303(d) List for which TMDLs are not required under 40 CFR 130.27(a)(4)	40 CFR 130.27 is part of the federal 2000 TMDL Final Rule and has not taken effect. The precise multiple-part list described in the Final Rule was not used in the preparation of the 2002 303(d) update. However, a similar concept was implemented. See responses to Comments G.11.11 and 6.10.2.	No	
6.2.3	"The State of California is fully able to expand the Section 303(d) program to cover a broader category of waters." Submit the State's Section 303(d) list to Federal EPA with the explanation that the list covers both waters of the state and waters of the U.S.	Agree. However, see response to Comment 6.10.2.	Yes	Volume III, Region 6

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.3.1	Commenter is in agreement with the rationale for, and is in support of, the proposed de-listing of Owens Lake.	Comment acknowledged.	No	
6.4.1	Concerning the Haiwee Reservoir and Searles Lake, Lahontan RWQCB concurs with the SWRCB staff proposal to keep these water bodies on the 303(d) list. It would make sense to footnote these water bodies, indicating that the Regional Board will make a formal determination as to whether these are or are not "Waters of the U. S."	Please refer to the response for Comment No. 6.2.3.	Yes	Volume III, Region 6
6.5.1	The State Board Staff Report recommends delisting of the Mojave River for TDS, sulfate and chloride. Since the Mojave River was never listed for these pollutants, delisting is not appropriate. These waterbody-pollutant combinations should be removed from the final listing/de-listing recommendations to be considered by the State Board in September 2002.	Agree. The fact sheets for these water bodies have been revised.	Yes	Volume III, Region 6
6.5.2	Clarify Recommendations for the Woodfords to Paynesville and Paynesville to State Line segments of the West Fork of the Carson River. The Woodfords to Paynesville segment is listed for percent sodium in the fact sheets in Volume 3 of the State Board staff report, but it is not listed in the summary table in Volume 1. This waterbody-pollutant combination should be added to the recommended list in Volume 1. Listing of the Woodfords to State line segment was not addressed in the State Board staff report. This may be an oversight due to limitations of the GeoWBS database, and the fact that the segment referred to in the Regional Board staff report consists of two Geo-WBS-mapped segments. The final proposal should include listing for pathogens either for these two mapped segments or for the combined Woodfords to State Line segment.	Agree. The changes were made.	Yes	Volume III, Region 6
6.5.3	Lahontan Region recommended that Searles Lake be delisted for salinity/TDS/Chlorides because the high salinity is due to natural sources. The State Board Staff Report states that there is insufficient information to delist. Enclosed are data from sampling of natural waters and brine ponds that show that the salinity of the brine ponds is the same or less than that of the natural waters. Based on this information we recommend that Searles Lake be delisted for salinity.	Agree. See also response to Comment 6.10.2.	Yes	Volume III, Region 6

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.5.4	The Lahontan Regional Board recommended listing Heavenly Valley Creek for chloride and phosphorus. The State Board Staff Report did not recommend listing because the major sources were believed to be natural. Forest Service data showed that numerical water quality objectives were violated in 1997 and 1998. Heavenly Valley Creek has had higher phosphorus and chloride concentrations than those found in Hidden Valley Creek, which is in a relatively undisturbed watershed. The Heavenly Valley Creek watershed probably has increased phosphorus loading from erosion due to watershed disturbance for ski resort development, and increased chloride loading due to salt use for snow melting around resort facilities and /or snow grooming on ski runs. We believe that Heavenly Valley Creek should be listed for both pollutants as recommended. We concur that Hidden Valley Creek need not be listed because the sources are likely natural.	Agree. The fact sheets for this water body have been revised as indicated.	Yes	Volume III, Region 6
6.5.5	The Lahontan Regional Board recommended listing "Hidden Valley Creek" for chloride and phosphorus. However, the SWRCB staff did not recommend listing because the major sources were believed to be natural. RWQCB staff now concurs that Hidden Valley Creek need not be listed because the sources are likely natural.	Comment acknowledged.	No	
6.6.1	The data indicate that Searles Lake should be listed for neither of the two pollutants recommended by the State Water Board staff: petroleum hydrocarbons and salinity/TDS/Chlorides	Agree, in part. See response to Comment 6.10.2.	No	
6.6.2	In its November 2001 Staff Report the RWQCB recommended that petroleum hydrocarbons be added ("documented bird kills from industrial pollutants") and salinity/TDS/chloride be removed due to is natural sources) as pollutants from the listing of Searles Lake as an impaired water body. IMCC supports removal of salinity/TDS/chloride as a pollutant but, based on necropsies of dead birds from the Lake, does not support addition of petroleum hydrocarbons.	Agree. See response to Comment 6.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.6.3	<p>1. Volume III of the SWRCB Staff Report on the proposed 303(d) List is in error. The Water Quality Control Plan for the Lahontan Region does not designate either the surface water or the groundwater under Searles Lake as a source of drinking water. Pages 6-8 and 6-65 of the SWRCB Report erroneously list drinking water as a beneficial use impaired by salinity/TDS/chloride at Searles Lake.</p> <p>2. Thus, the salinity, TDS, and chlorides present in Searles Lake brine should not be evaluated against the use of brine as drinking water.</p>	<p>1. Agree. Page 6-4 of the SWRCB Staff Report correctly listed the "WILD," "REC-1," "REC-2," and "SAL" beneficial uses as the uses impacted by petroleum hydrocarbons at Searles Lake. The subsequent references to "Drinking" on Pages 6-8 and 6-65 (for impacts by salinity/TDS/chloride) are (typographic) errors and have been corrected.</p> <p>2. See response to Comment 6.10.2.</p>	Yes	Volume III, Region 6
6.6.4	<p>The SWRCB Staff Report (Vol. III, Page 6-8) states that "No monitoring provided to show that discharges of brine from IMCC do not elevate brine concentration above already high natural levels." However, IMCC can supply such data.</p> <p>IMCC removes brine from the subsurface of Searles Lake, and pumps the brine to its in situ mineral extraction facilities where various minerals, primarily salts, are removed. After this removal process, the partially depleted brine is discharged to the surface of Searles Lake where it collects in two ponds, identified as the dredge pond and percolation pond, or is injected into the subsurface brine under permits issued by U.S.EPA. Logic would indicate that IMCC removes rather than adds to the salinity, TDS, and chloride levels in the Searles Lake. Data support this conclusion.</p>	See response to Comment 6.10.2.	No	
6.6.5	<p>A study conducted at Searles Lake found that the concentration of TDS, chloride, sodium and other minerals were higher in the ephemeral waters than in the depleted brine ponds. The levels of salinity, TDS and chlorides in the brine discharged from IMCC are also less than the levels found in the subsurface brine.</p>	See response to Comment 6.10.2.	No	
6.6.6	<p>The levels of salinity/TDS/chlorides discharged by IMCC are less than levels found in the subsurface brine. Data is provided to support this contention.</p>	See response to Comment 6.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.6.7	<p>The SWRCB Staff Report asserts that there is "Insufficient information to show that waterfowl deaths are caused solely by petroleum hydrocarbons and not [also]...by elevated brine levels." However, IMCC can supply such data.</p> <p>IMCC submitted a report by Dr. Michael Fry of UC Davis to the RWQCB based upon an extensive review of clinical case reports, pathology reports and toxicological data concerning deceased birds collected at Searles Lake. Dr. Fry found that 54% of the birds died from either dehydration or salt intoxication, and that the much more likely cause of death was dehydration. Dr. Fry found that the trace minerals in the liver samples collected from the deceased birds found at Searles lake were very different from the ratios in the brine. Thus, the weight of evidence indicates that the deceased birds found at Searles lake died of dehydration and not from drinking the brine.</p>	See response to Comment 6.10.2.	No	
6.6.8	The IMCC discharge ponds are not the only source of surface brine at Searles Lake. Ephemeral waters occur at other locations of the lake and provide naturally-occurring surface water during at least part of the year.	See response to Comment 6.10.2.	No	
6.6.9	There are numerous examples in Volume III where the State Water Board staff has taken the position that salinity should be delisted because the salinity is due to natural causes. Searles Lake should be treated no differently.	See response to Comment 6.10.2.	No	
6.6.10	The SWRCB Staff Report cited a link between oil contamination and waterfowl mortality at Searles Lake. However, the enclosed report from Dr. Fry demonstrates that this link is not present. Only one bird had detectable hydrocarbons on feathers or in stomach contents. Through extraordinary effort on its part this bird became immersed in hydrocarbons that had been collected by the skimmer. IMCC has worked to close any access points through the skimmer netting.	See response to Comment 6.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.6.11	If Searles Lake is kept on the Section 303(d) list for one or both of the constituents discussed above (salinity/TDS/chlorides, petroleum hydrocarbons), IMCC repeats its request that a footnote or asterisk be added to any reference to Searles Lake. An accompanying note would explain that inclusion of Searles Lake does not reflect a determination that the lake is a water of the United States, and that this determination will be made during the basin planning process currently underway.	See response to Comment 6.10.2.	Yes	Volume III, Region 6
6.7.1	The Department of Fish and Game believes that wastewater ponds created at Searles Lake are an on-going threat to wildlife. DFG has documented hundreds of bird deaths, primarily from salt toxicosis and salt encrustation (documentation enclosed). Historically, the dry lakebed offered little or no open water to migrating waterfowl. Hence birds did not stop and mortality was minimal. That is in contrast to current conditions, where effluent from salt-extraction operations have created a lethal attraction for migrating birds.	See response to Comment 6.10.2.	Yes	Volume III, Region 6
6.8.1	Buckeye Creek, Robinson Creek - More regulatory activity is not warranted.	Comment acknowledged.	No	
6.8.2	As suggested by a recent NAS report, biomonitoring/bioassessment should be performed in place of standard water quality chemical monitoring. California should not lag behind other states in the use of bioassessment.	Bioassessment is an important tool in evaluating the condition of the State's waters. The Region 6 RWQCB is conducting one of the most extensive biomonitoring programs in the State. The NAS TMDL Report states that bioassessment should be performed in addition to, not instead of, standard water quality chemical monitoring. In cases where biological impacts are identified, chemical monitoring is necessary to evaluate whether the biological impacts has a chemical cause.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.8.3	Region 6 fecal coliform, nitrate, and phosphate standards should be made consistent with other regions. Certain beneficial use designations are inappropriate.	<p>There is no legal or administrative requirement that water quality objectives be consistent among all regions--quite the contrary. Individual RWQCBs establish differing objectives intended to meet specific regional and watershed needs. The Lahontan Basin water quality objectives for these constituents are more protective than those in other Regions because of the critical need to protect Lake Tahoe from eutrophication and further degradation in its clarity.</p> <p>The 303(d) listing process must be conducted using existing water quality standards, including beneficial use designations and water quality objectives. Proposed changes to existing standards must be addressed during the triennial review of a Basin Plan. See also response to Comment 9.7.1</p>	No	
6.8.4	The RWQCB recommendation to list Robinson Creek for nitrates is based on insubstantial evidence (i.e., due to 1 exceedence out of 6 samples).	Robinson Creek is not proposed to be added to the 303(d) list for nitrates. It is recommended to be placed on the "Monitoring List" for that pollutant.	No	
6.8.5	The University of California, Davis, Department of Range Science submitted 1999 data for Robinson Creek that was not used in the RWQCB analysis.	The data referred to by the Commenter was reviewed by the RWQCB. However, it was provided without quality assurance procedures, and thus was not used in the assessment of Buckeye Creek.	No	
6.8.6	There is insufficient data to place Robinson Creek on the "Watch List."	There are no statutory or regulatory constraints on the State's use, or not, of a watch list. Some have argued that a watch list should not be used, and that all or most waters of any concern whatsoever should be placed directly on the 303(d) list. (E.g., see Comment 9.20.4.) SWRCB staff takes a more moderate approach--water bodies, such as Robinson Creek, for which there is inadequate or insufficient data, yet for which there is some reason for concern, should be placed on the Monitoring List for further water quality monitoring.	No	
6.8.7	The University of California, Davis, Department of Range Science submitted 1999 data for Robinson Creek and Buckeye Creek that was not used in the RWQCB analysis.	See response to Comment 6.8.5.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.8.8	The RWQCB recommendation to list Buckeye Creek for phosphates is based on insubstantial evidence (i.e., due to 1 exceedence out of 9 samples).	<p>Buckeye Creek is not proposed to be added to the 303(d) list for phosphates. It is recommended to be placed on the "Monitoring List" for that pollutant.</p> <p>For phosphorus, the Monitoring List designates surface waters which require further monitoring to evaluate whether these waters should be added to the 303(d) list in the future. RWQCB and SWRCB staff believes that the available data is insufficient to warrant 303(d) listing of Buckeye Creek for phosphorus at this time. Additional monitoring is needed. However, there is enough concern to warrant listing this Creek on the Monitoring List, which was intended for just such a circumstance.</p>	No	
6.8.9	The University of California, Davis, Department of Range Science submitted 1999 data for Buckeye Creek that was not used in the RWQCB analysis.	See response to Comment 6.8.5.	No	
6.8.10	Buckeye Creek - The RWQCB standard for pathogens, 20 colonies/100 mg, is too low to justify recommending this Creek for listing.	<p>See response to Comment 6.8.3. The RWQCB's fecal coliform standard is considered to be protective of critical beneficial uses. Changes to this, and any other water quality standard, must be made in a separate process, the triennial review of a Basin Plan.</p> <p>For pathogens, the Lahontan RWQCB objective for fecal coliform allows no more than 10% of samples to exceed 40 colonies/100 ml. In two sets of samples from Buckeye Creek, this standard was exceeded in 50% and 43% of samples. Buckeye Creek should be on the 303(d) List for pathogens.</p>	No	
6.8.11	Buckeye Creek should go on the Watch List, but not on the 303(d) list, for pathogens.	Buckeye Creek samples exceeded existing water quality standards for fecal coliform maintained in the Region 6 Basin Plan. Buckeye Creek is proposed to be listed for pathogens.	No	
6.8.12	Best Management Practices, rather than other regulatory action (listing/TMDLs) are a better mechanism for protecting water quality in these Creeks (Buckeye Creek, Robinson Creek).	Clean Water Act section 303(d) requires that water bodies be listed if water quality standards are not met and the problem is due to a pollutant.	No	
6.9.1	At this time, no public agency or private organization is engaged in the long-term monitoring of water quality and ecological conditions in Martis Creek Reservoir and its tributaries.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.9.2	Anecdotal evidence, such as a report published in the Sierra Sun in early June, 2002, implies the reservoir's trout fishery is at a twenty-year low. Angler survey data collected by the Department of Fish and Game between 1996 and 2001 indicate the number of trout of all species reported caught at Martis Creek Reservoir has fallen dramatically. Angling harvest is not a significant cause in depressing trout populations at Martis Creek Reservoir, as the state requires all sport-caught fish there to be released.	Comment acknowledged.	No	
6.9.3	Fish kills are not unknown at Martis Creek Reservoir. One such event in the autumn of 1997 lead to a Fish Pathologist Report prepared by the California Department of Fish and Game.	Comment acknowledged.	No	
6.9.4	The few water quality indices available for Martis Creek imply the reservoir is undergoing nutrient loading from sources upstream. The data collected for total Kjeldahl nitrogen (TKN), total phosphorus (TP), and total dissolved solids (TDS) shows that biostimulatory nutrients are flowing through and possibly from the Lahontan development. These nutrients presumably end up in Martis Creek Reservoir, which is approximately two miles downstream.	Comment acknowledged.	No	
6.9.5	Current water quality objectives do not seem intended to protect the beneficial uses provided by the reservoir and its tributaries because Martis Creek's water quality standards are less stringent than those for other streams along the Truckee River. Martis Creek standards were developed to take into consideration discharge from the wastewater treatment plant located downstream from Martis Creek Reservoir. Water quality can be expected to worsen over the next two decades as Martis Valley upstream from the reservoir continues to develop.	The 303(d) listing process must be based upon existing water quality standards. Changes to existing standards must occur separately during the triennial review of the Basin Plan. See also response to comment 9.7.1.	No	
6.9.6	Regulatory laxity is causing problems at Martis Creek and Martis Creek Reservoir. RWQCB water quality standards are inadequate. Water quality will worsen, due to planned development in the watershed.	See response to Comment 6.9.5.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.9.7	The SWRCB and the RWQCB should immediately initiate a monitoring program to track water quality in the reservoir and its tributaries, and should immediately initiate a study to examine the ecological health of Martis Creek Reservoir, using trout as the primary indicator species, and develop ways to restore this health and also protect the lake from future degradation.	Comment acknowledged.	No	
6.10.1	Commenter requests that SWRCB to consider prior information submitted as well as information in this transmittal.	Comment acknowledged.	No	
6.10.2	The issue of petroleum hydrocarbons is being successfully addressed via revisions to Waste Discharge Requirements, a RWQCB Cease and Desist Order, a RWQCB Cleanup and Abatement Order, and actions by the Department of Fish and Game. As a result, conditions at the site have improved and there is understood to be less of a connection between petroleum hydrocarbons and wildlife. Since these other State regulatory actions are successfully addressing the issues raised at Searles Lake, action under Section 303(d) and the development of TMDLs are not necessary.	Agree. Concerns about both TDS and petroleum hydrocarbons, while valid, are best addressed through various other enforcement programs, not via a TMDL. Searles Lake will be de-listed for TDS, and placed on the Enforceable Programs List (EPL) due to impacts by TDS and Petroleum hydrocarbons. For a discussion/description of the EPL, see response to Comment G.11.11.	No	
6.10.3	Since Searles Lake is not a "waters of the U.S.," it is inappropriate to address it on the 303(d) list or other Clean Water Act-based programs.	As the Commenter notes in his prior 4/8/02 correspondence, California has full authority to expand its 303(d) list to include State and national waters. However, see response to Comment 6.10.2.	No	
6.10.4	Bird mortalities were observed by the California DFG in the Searles Valley Basin. The DFG alleged that IMCC was responsible for the illegal taking of migratory birds due to the hyper-saline nature of the mineral brine and releases of trace hydrocarbons into the percolation pond from IMCC. IMCC has implemented a number of measures designed to keep birds from landing on Searles Lake and to retrieve and rehabilitate birds that did manage to land and become distressed. These measures have proven to be very effective in reducing waterfowl mortality at Searles Lake. In addition, DFG and IMCC are negotiating an agreement that will authorized the "take" of a certain number of birds in exchange for IMCC's agreement to contribute towards an off-site project designed to increase waterfowl habitat. Actions taken by DFG and IMCC under State law adequately address bird mortality at Searles Dry lake.	See response to Comment 6.10.2.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.10.5	Searles Lake - Necropsies performed on the birds by UC Davis and DFG showed that approximately half the mortalities were due to natural causes and the other half were likely due to dehydration. A single bird death may have resulted from petroleum contact when a bird managed to crawl into a netted emergency skimmer. No other bird mortalities have been documented as occurring from petroleum contact in the process ponds.	See response to Comment 6.10.2.	No	
6.10.6	Revised WDRs have further tightened the numerical discharge limitations, and committed IMCC to an ambitious program to investigate the constituents in its discharge brine, and to explore state-of-the-art methods for minimizing the presence of non-native constituents. A Cease and Desist Order was amended to conform to the revised WDRs. A Cleanup and Abatement Order was issued that requires submittal of a cleanup work plan. An Administrative Civil Liability settlement commits IMCC to implementing additional control measures. Because of the effectiveness of the State program, regulation of IMCC under the federal program is not needed.	See response to Comment 6.10.2.	No	
6.10.7	Because IMCC does not believe that Searles Lake is a "water of the U.S.", regulation of Searles Lake under the federal program is inappropriate.	See responses to Comments 6.10.2 and 6.10.3.	No	
6.201.1	Haiwee Reservoir is not a "water of the U.S.", is subject to drinking water requirements, and should therefore not be listed.	See responses to Comments 6.1.1 and 6.1.2.	No	
6.201.2	The City of Los Angeles is required to treat Haiwee Reservoir with copper sulfate because of drinking water supply requirements.	See responses to Comments 6.1.3 and 6.1.4.	No	
6.201.3	It is inappropriate go by information originally gathered at Haiwee Reservoir by the Department of Fish and Game in 1991 to judge the situation at the Reservoir today.	See response to Comment 6.1.1.	No	
6.201.4	Haiwee Reservoir remains a drinking water source. After September 11th (2001), with security concerns, governments [like Los Angeles] have less discretion in their budgets.	SWRCB staff understand the pressures on Los Angeles due to increased security concerns. Nonetheless, these new issues do not preclude water quality obligations under existing laws.	No	
6.201.5	The City of Los Angeles has looked at different alternatives to treat the algae problem in Haiwee Reservoir. For example, the use of chlorine would kill all the fish.	See response to Comment 6.1.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.201.6	Now is the time to avoid litigation over this issue.	Comment acknowledged.	No	
6.202.1	The Victor Valley Wastewater Reclamation Authority strongly opposes the proposed listing of the Mojave River between the upper and lower narrows for PCE and TCE (volatile organic compounds).	That portion of the Mojave River is not proposed for 303(d) listing for PCE and TCE.	No	
6.202.2	The proposed listing of the Mojave River for PCE and TCE is based on insufficient data.	See response to Comment 2.202.1.	No	
6.202.3	Concerning the proposed listing of the Mojave River between the upper and lower narrows, the alleged source of the PCE and TCE is groundwater plumes, sources unknown. This reasoning is inconsistent with the RWQCB-proposed de-listing of the Mojave River at Barstow. That proposed de-listing is based on RWQCB recognition that the River at Barstow is subterranean. The River between the upper and lower narrows is also an intermittent, primarily underground, stream.	See response to Comment 2.202.1.	No	
6.203.1	<p>A large riparian restoration project was implemented by the Los Angeles Department of Water and Power for all Crowley Reservoir tributaries. The creeks have been fenced and cattle access limited.</p> <p>Commenter intends the same for the Bridgeport Ranch streams: Robinson Creek and Buckeye Creek draining into Buckeye Reservoir.</p>	Comment acknowledged.	No	
6.203.2	Water quality standards applicable to Robinson Creek and Buckeye Creek are lower than similar standards in other regions.	Comment acknowledged. See also response to Comment 6.8.3.	No	
6.203.3	Robinson Creek should not be placed on the "Watch" list due to nitrogen. The data for such a proposal are inadequate.	See response to Comment 6.8.4.	No	
6.203.4	Buckeye Creek should not be placed on the "Watch" List due to phosphorus. The data for such a proposal are inadequate.	See response to Comment 6.8.8.	No	
6.203.5	If the guidelines for the Watch List is "everything that is less than half of the water quality standard," you would have to put most everything on it. That would erode the meaning of the Watch List.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
6.203.6	Wants Buckeye Creek placed on the "Watch" List, instead of being placed on the 303(d) list for pathogens, as currently proposed.	See responses to Comments 6.8.10 and 6.8.11.	No	
6.203.7	Best Management Practices are a better way to deal with the water quality problems associated with Robinson and Buckeye Creeks.	See response to Comment 6.8.12.	No	
6.204.1	Previous information submitted is adequate to justify de-listing Searles Lake for petroleum hydrocarbons and salinity/TDS/chlorides.	Comment acknowledged. See also response to Comment 6.10.2.	No	
6.204.2	The SWRCB Staff Report reason for maintaining the listing of Searles Lake for salinity/TDS/chloride is that there is insufficient data to de-list. However, information provided shows that the salinity levels in the effluent discharged by the IMCC facility is significantly less than that of the underground brine and in the ephemeral sources of surface water to the lake bed. That is because the Company extracts salts and minerals from the subsurface brine it pumps up before discharging the remaining effluent.	See response to Comment 6.10.2.	No	
6.204.3	The second reason given for not de-listing Searles Lake for salinity/TDS/chloride (SWRCB Staff Report, Volume III, Summary Page 6-8) is that there is insufficient information to show that waterfowl deaths are caused solely by petroleum hydrocarbons and are not also affected by "elevated brine levels." But University of California, Davis, experts found that the birds did not die from salt water ingestion. Instead it was simply dehydration. UCD researchers cited prior studies that show that waterfowl in general don't ingest brine. Also, the chemical "fingerprint" of the Searles Lake brine does not match the makeup of the dead birds.	Comment acknowledged. See also response to Comment 6.10.2.	No	
6.204.4	The brine at Searles lake is naturally occurring. It is naturally high in salinity/TDS/chloride. SWRCB guidelines suggest that naturally occurring sources of constituents should not be listed. Therefore, Searles Lake should not be listed.	See response to Comment 6.10.2.	No	
6.205.1	Searles Lake listings were made on the basis that other regulatory mechanisms would not solve the pollutant problem within the next 303(d) listing cycle (2 years).	Comment acknowledged. See also response to Comment 6.10.2.	No	
6.205.2	Lahontan Region is prepared to look at the "water of the U.S." issue for these two waters.(Searles Lake/Haiwee Reservoir)	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
7.1.1	The New River should be de-listed for nutrients. There is an "absence of documentation showing nutrients are actually violating water quality standards applicable to the River." There was "flawed rationale...used to list the River in the first place."	See response to Comment 7.1.4.	No	
7.1.2	The available data and information demonstrate that the New River is tributary to a nutrient water quality limited segment (Salton Sea). However the New River is not itself a nutrient water quality limited segment, since no data or information demonstrate that water quality in the New River fails to meet water quality standards. "Impairment" is segment-specific--labeling a water body impaired (unable to implement water quality standards) does not automatically make its tributaries similarly impaired. If this were not so, the RWQCB would have to list the Colorado River, All American Canal, Imperial County agricultural drains, the Alamo River, the Coachella Valley Stormwater Channel, New River, and San Felipe Creek as impaired for nutrients, selenium, and/or salts. This is because they eventually carry one or more of these pollutants to a water body (e.g., the Salton Sea) impaired by these pollutants, even though there is no evidence that the tributaries themselves are impaired by the pollutants they carry.	<p>Unlike the other potential water body-pollutant combinations mentioned, the New River is already listed as impacted by nutrients. In order to de-list a water body there is a significant difference between (a) having no information showing harmful impact versus (b) having definite data showing no impact.</p> <p>For example, the Commenter states that the salt levels in the Salton Sea tributaries "meet the applicable water quality standards." This implies the existence of data showing attainment of water quality objectives in those water bodies. But there is no data in the record to support not listing the New River for nutrients.</p> <p>See also response to Comment 7.1.4.</p>	No	
7.1.3	"[The] Regional Board inaccurately listed the New River in 1998 because it carries nutrients, the nutrients contribute to the [eutrophic] conditions of the Salton Sea, and the [eutrophic] conditions are impacting the Sea's beneficial uses (e.g., fish die-offs, algal blooms that trigger low dissolved oxygen, etc.)." Based on the previous comment (that tributaries should not be automatically listed, see Comment 7.1.2), this rationale to list the New River in 1998 was flawed.	See responses to Comments 7.1.2 and 7.1.4.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
7.1.4	There are no numeric water quality standards for nutrients for the New River or for any other Region 7 water bodies. Hence there can be no evidence of impairment (failure to implement water quality standards) due to nutrients and the New River should not have been listed for those pollutants.	<p>RWQCB monitoring data indicates that the New River carries nutrients in "relatively high concentrations." The Region 7 Basin Plan has a narrative water quality objective for biostimulatory substances (including nutrients) that applies to the New River. RWQCB staff has documented "objectionable odors," and low dissolved oxygen conditions in the New River, both of which may be indicative of harmful impact to beneficial uses due to nutrients. (However, RWQCB staff instead points as a cause to raw sewage from Mexico.)</p> <p>While this information may not be considered by RWQCB staff strong enough to initially list the New River for nutrients, it is considered by SWRCB staff persuasive enough to maintain an already existing listing until and unless data is collected proving that beneficial uses in the New River are not being impacted by nutrient loads.</p> <p>No monitoring data were provided to support its de-listing request. Even though there are no numeric objectives for nutrients in the Basin Plan, the fact that 5 to 20 million gallons per day of raw sewage enter the New River from Mexico is sufficient reason to maintain the nutrient listing. Raw sewage is a known nutrient source and observations of nuisance odors and low dissolved oxygen, caused by raw sewage, observed by the RWQCB staff add to the likelihood that beneficial uses are being impacted by nutrient loads. This listing should be retained until data is submitted indicating that New River beneficial uses are not impacted by nutrients.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
7.2.1	Staff lists "Potential Source of Pollutant" as "5-20 million gallons per day of raw sewage from Mexico discharged to New River", and "Alternative Enforceable Program" as "Mexican-American Water Treaty". Both are wrong. PVID's Outfall Drain is about 95 Colorado River miles north of the Mexican Border, it does not connect to the New River, and is not covered by that treaty. If data from New River were used to place PVID's Outfall Drain on this 303(d) list, then PVID's Outfall Drain status should be reevaluated.	<p>Agree. The sentence "5-20 million gallons per day of raw sewage from Mexico discharged to New River." under "Potential Source(s) of Pollutant" is incorrect when used for the Coachella Valley Stormwater Channel (p. 7-11) and for the Palo Verde Outfall Drain (p. 7-13). The phrase "unknown" will be used, instead (as the sources have not yet been conclusively identified). Also, the reference to "Mexican-American Water Treaty" will be removed for these two water bodies.</p> <p>The Palo Verde Outfall Drain was listed for pathogens in the proposed 303(d) list based on data collected from Palo Verde Outfall Drain by Riverside and Imperial Counties in 1993 and 1994, and by the RWQCB staff in 2000 and 2001. This data shows that levels of pathogens in the Drain exceeded water quality objectives in the RWQCB Basin Plan.</p>	Yes	Volume III, Region 7
7.2.2	The beneficial use categories provided in the Region 7 Basin Plan, as currently written, are overly broad, and do not accurately or adequately reflect the characteristics of PVID's canals or agricultural drains (including PVID's Outfall Drain) as they existed when the beneficial uses were first designated. PVID believes it is inappropriate to designate constructed waterways dominated by agricultural drainage as REC-1 water bodies and as being comparable to natural freshwater streams. The source and type of water should be taken into consideration when defining the associated water quality objectives. PVID requests a more suitable and consistent list of beneficial uses be developed along with water quality objectives and an implementation process that is appropriate for agricultural drains which does not undermine the intended purpose of the drains.	<p>Federal statute (i.e., Clean Water Act) and regulations establish requirements for development of and revision to water quality standards. (Standards include beneficial use designations, water quality objectives/criteria, and antidegradation policy.) Once a beneficial use is designated, the RWQCB cannot remove or ignore the use during a 303(d) listing procedure. De-designation must instead be performed during the separate triennial review of a Basin Plan, and is subject to public scrutiny and State and federal agency approval.</p> <p>The RWQCB staff is aware of the unique characteristics of the canals and drains in the Palo Verde area. However, these channels are "waters of the United States" as defined in federal regulations. As such, and with existing beneficial uses designated, they must be evaluated and included, as appropriate, during the 303(d) process.</p> <p>See also response to Comment 9.7.1.</p>	No	
7.2.3	Water entering our canal system from the Colorado River has a TDS exceeding 530 ppm. This exceeds the USFWS standard for freshwater habitat of 500 ppm. Water in our agricultural drains has TDS values ranging from 1,200 to 2,460 ppm. The designation WARM (Warm Freshwater Habitat) does not fit PVID's canals or drains.	As recognized in the RWQCB Basin Plan, the use of water to maintain warm-water aquatic habitat (the "WARM" beneficial use) is an actual existing use of water from the Palo Verde Outfall Drain. "Existing" uses are defined by federal regulations. The Clean Water Act severely limits a state's ability to remove or revise designated and existing uses. See also responses to Comments 7.2.2 and 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
7.2.4	Re-examine the water quality objectives applicable to PVID's canals and drains and establish separate water quality objectives appropriate for these waters. In establishing these water quality objectives to agricultural waters, PVID requests the Board to develop new water quality objectives based on local species and ambient conditions, or, as an alternative, use the lowest mean acute value of toxicity tests.	See response to Comment 9.7.1.	No	
7.3.1	Region 7 improperly listed the New River as impaired by nutrients in 1998. The New River carries about 5 to 20 million gallons per day of raw sewage from Mexico. Although the raw sewage has relatively high concentrations of nitrate and phosphates, the Regional Board has no numeric standards for nitrate, phosphate, or other biostimulatory substances for the river; or evidence that the nutrients are actually impairing the River's beneficial uses.	See response to Comment 7.1.4.	No	
7.301.1	I believe we're required now to provide further items as to how we can go about delisting the New River.	Comment acknowledged.	No	
8.1.1	Pelican Point Creek, Muddy Creek - It is not appropriate for these watersheds to have the beneficial uses assigned to them.	The 303(d) listing process is conducted using existing beneficial use designations. Changes to these designations must be addressed during the triennial review of the Basin Plans. See also response to comment 9.7.1.	No	
8.1.2	Pelican Point Creek, Muddy Creek - There is no basis for the Coastal Creeks to be placed on the list of impaired waters.	If there is an existing beneficial use, whether or not the water body is in the Basin Plan, that use must be protected. RWQCB staff have observed recreational use of Buck Gully Creek and photo documentation of recreational use was also provided by Orange County CoastKeeper. Buck Gully Creek is used for REC1 and REC2 beneficial uses. The recommendations have been modified accordingly.	Yes	Volume III, Region 8
8.1.3	Pelican Point Creek, Muddy Creek - Urge the State Board to refrain from taking action until the proper local procedures are followed as outlined by state and federal laws.	The 303(d) listing process is a requirement of the Clean Water Act, and thus is subject to federal laws and regulations.	No	
8.1.4	Pelican Point Creek, Muddy Creek - There are absolutely no recreational uses and the creeks clearly are not potential sources of municipal drinking water. In addition, the large areas of habitat that surround our community support significant wildlife that contributes to the level of bacteria found in the creeks.	See response to comment 8.1.2.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.1.5	Pelican Point Creek, Muddy Creek - There are hundreds, maybe thousands, of small watersheds throughout the state with similar flows and bacteria concentrations that, like our coastal creeks, cannot meet the standards of the beneficial uses preserved for these creeks even in their natural condition. Placing these waters on the impaired waters list would create TMDL gridlock without any commensurate real-world benefit.	Only the specific portions of specific creeks where data are available that show impacts on existing beneficial use are proposed for listing.	Yes	Volume III, Region 8
8.2.1	Pelican Point Creek, Muddy Creek - It is not appropriate for these watersheds to have the beneficial uses assigned to them.	See response to comment 8.1.1.	No	
8.2.2	Pelican Point Creek, Muddy Creek - There is no basis for the Coastal Creeks to be placed on the list of impaired waters.	See response to comment 8.1.2.	Yes	Volume III, Region 8
8.2.3	Pelican Point Creek, Muddy Creek - Urge the State Board to refrain from taking action until the proper local procedures are followed as outlined by state and federal laws.	See response to comment 8.1.3.	No	
8.2.4	Pelican Point Creek, Muddy Creek - There are absolutely no recreational uses and the creeks clearly are not potential sources of municipal drinking water. In addition, the large areas of habitat that surround our community support significant wildlife that contributes to the level of bacteria found in the creeks.	See response to comment 8.1.2.	No	
8.2.5	Pelican Point Creek, Muddy Creek - There are hundreds, maybe thousands, of small watersheds throughout the state with similar flows and bacteria concentrations that, like our coastal creeks, cannot meet the standards of the beneficial uses preserved for these creeks even in their natural condition. Placing these waters on the impaired waters list would create TMDL gridlock without any commensurate real-world benefit.	See response to comment 8.1.5.	Yes	Volume III, Region 8
8.3.1	Buck Gully Creek, Los Trancos Creek, Muddy Creek - Photographs show children and toddlers playing in these creeks as they flow across the beach in the middle of summer, laden with bacteria and the typical pollutants found in urban runoff. This was a daily occurrence.	The record shows that Buck Gully Creek has existing REC 1 and REC 2 beneficial uses.	Yes	Volume III, Region 8
8.3.2	Buck Gully Creek, Los Trancos Creek, Muddy Creek - Support the Region 8 staff recommendation for the inclusion of these Newport Coast creeks on the 303(d) list.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.4.1	There are inconsistencies in State Board staff's recommendations for coastal creeks. State Board staff propose that Los Trancos Creek and Buck Gully Creek not be listed since these water bodies are currently not listed in the Basin Plan and no beneficial uses have been designated for them. There are additional water bodies Regional Board staff recommended to be placed on the Region's 303(d) list that are also not included in the Basin Plan (Santa Ana Delhi Channel, Pelican Hill Waterfall, Pelican Point Middle Creek, Pelican Point Creek and Muddy Creek), yet State Board staff is not proposing to exclude these water bodies from the 303(d) list.	<p>Buck Gully Creek is proposed for listing downstream of Pacific Coast Highway. Los Trancos Creek is proposed for listing downstream of Pacific Coast Highway, where documented recreational activity occurs, for wet weather flows only. Existing uses, whether formally designated or not, legally must be protected.</p> <p>Santa Ana Delhi Channel, Pelican Hill Waterfall, Pelican Point Middle Creek, Pelican Point Creek and Muddy Creek will be removed from the proposed 303(d) list because no beneficial uses or standards apply. There is no evidence in the record that there is existing REC 1 or REC 2 beneficial uses. The Fact Sheets have been modified accordingly.</p>	Yes	Volume III, Region 8
8.4.2	It is appropriate to include Buck Gully Creek on the 303(d) list as impaired. Based on discussions with SWRCB legal counsel, if a beneficial use is in fact an existing use, whether or not the waterbody is in the Basin Plan, that use must be protected. Regional Board staff have observed recreational use of Buck Gully Creek and photodocumentation of recreational use was also provided by Orange County CoastKeeper. Buck Gully Creek is used for REC1 and REC2 beneficial uses. It may be appropriate to consider listing Buck Gully Creek as impaired only in the lower portions of these creeks downstream of Pacific Coast Highway where documented recreational activity occurs.	Please refer to Comment No. 8.4.1.	Yes	Volume III, Region 8
8.4.3	It is appropriate to include Los Trancos Creek on the 303(d) list as impaired. Based on discussions with SWRCB legal counsel, if a beneficial use is in fact an existing use, whether or not the waterbody is in the Basin Plan, that use must be protected. Regional Board staff have observed recreational use of Los Trancos Creek and photodocumentation of recreational use was also provided by Orange County CoastKeeper. Los Trancos Creek is used for REC1 and REC2 beneficial uses. It may be appropriate to consider listing Los Trancos Creek as impaired only in the lower portions of these creeks downstream of Pacific Coast Highway where documented recreational activity occurs. Because The Irvine Co. has committed to diverting dry weather flows to Los Trancos Creek, it may be appropriate to refine our recommended listing to impaired only during the wet season.	Los Trancos Creek is proposed for listing downstream of Pacific Coast Highway, where documented recreational activity occurs, for wet weather flows only. Please refer to Comment No. 8.4.1.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.4.4	Because The Irvine Co. has committed to diverting dry weather flows to Muddy Creek, it may be appropriate to refine the RWQCB recommended listing to impaired only during the wet season.	Please refer to the response for Comment No. 8.4.1.	Yes	Volume III, Region 8
8.4.5	Santa Ana Delhi Channel - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.4.6	Pelican Point Creek - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets	No beneficial uses have been designated for this waterbody.	Yes	Volume III, Region 8
8.4.7	Pelican Point Middle Creek - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets	Please refer to Comment No. 8.4.6.	Yes	Volume III, Region 8
8.4.8	Pelican Hill Waterfall - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets	Please refer to Comment No. 8.4.6.	Yes	Volume III, Region 8
8.4.9	Seal Beach (San Gabriel R. Mouth to Main St. Pier - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets. Nearshore ocean waters are excepted from MUN.	The revisions have been made.	Yes	Volume III, Region 8
8.4.10	Huntington State Beach (Newland Ave. to Santa Ana River) - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets. Nearshore ocean waters are excepted from MUN.	The revisions have been made.	Yes	Volume III, Region 8
8.4.11	Newport Beach (1000 feet down coast of Santa Ana River) - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets. Nearshore ocean waters are excepted from MUN.	The revisions have been made.	Yes	Volume III, Region 8
8.4.12	San Diego Creek, Reach 1 - Delete MUN beneficial use from Summary of Recommendations and Fact Sheets. This reach is excepted from MUN.	The revisions have been made.	Yes	Volume III, Region 8
8.5.1	Concerned with the listing of Reach 1 of San Diego Creek as impaired due to the presence of fecal coliform.	Comment acknowledged.	No	
8.5.2	Concerned about the proposed MUN, REC 1 and REC 2 beneficial uses for water bodies currently under consideration by the Santa Ana RWQCB as part of their triennial review of the Santa Ana River Basin Plan.	This comment pertains to triennial review process, not 303(d) listing process.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.6.1	The Santa Ana-Delhi Channel originated from an agricultural irrigation ditch, which later on was improved for flood control purposes in the 1940s and lined with concrete and rip-rap in the 1970s. The water supply contained within the open portion of this flood control facility is derived from surface runoff. This surface runoff runs through various storm drain systems prior to making its way to the Santa Ana-Delhi Channel, which is fenced and posted to keep the public out. To designate its use for activities such as drinking, swimming, hiking or boating is completely impractical and undesirable.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.6.2	Recommends that the Regional Board make its overriding priority the review and revision of the beneficial uses and the water quality objectives so they become relevant and appropriate for use in the stakeholder's stormwater cleanup programs.	See response to comment 9.7.1.	No	
8.7.1	IRWD believes that a number of water bodies should not have been listed as impaired but were, in fact, listed as a result of inappropriate beneficial use designations. Examples given for MUN, REC1, and REC2.	See response to comment 9.7.1.	No	
8.7.2	A severe problem is the development of water quality objectives for conflicting beneficial uses. WARM, WILD and RARE beneficial uses generate bacterial and viral laden wastes that will prevent water bodies from meeting REC1 water quality objectives. An example of a water body with conflicting designations is Canyon Lake East Bay, which has been designated WARM, REC1 and REC2.	See response to comment 9.7.1.	No	
8.8.1	Comment consists of a Table stating watershed acreage and dry weather flows for Pelican Point Creek, Pelican Point Middle Creek, Pelican Hill Waterfall, Buck Gully Creek, Los Trancos Creek, and Muddy Creek	Comment acknowledged.	No	
8.9.1	Multiple water bodies - Concerned that the Regional Board applied inappropriate water quality objectives and designated beneficial uses to many of the proposed revisions. The selection of beneficial uses should be made with consideration of the condition of a water body, the overall advantage of achieving a given designated use and the cost of achieving a designated use. In particular, questions the appropriateness of beneficial use designations for flood control channels, concrete-lined channels, and water bodies with limited access.	See response to comment 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.9.2	Board should adopt an approach to regulating, maintaining, and improving water quality through measures which are as technically proficient as possible.	Comment acknowledged.	No	
8.9.3	The State Board should consider an economic analysis to evaluate the impact of implementing Basin Plan water quality objectives to nonpoint sources, including storm water and urban runoff.	Economic analysis is not required as part of developing the section 303(d) list.	No	
8.9.4	To ensure that designated uses are feasible and appropriate, we urge that the State Water Board consider a use attainability analysis before developing any TMDLs.	Please refer to Comment No. 9.7.1.	No	
8.9.5	State Water Board should consider issues of economic efficiency and social impact in reviewing the recommendations of the Santa Ana Regional Water Quality Control Board. State Board should ensure that any revisions to the 303(d) list are consistent with section 13241 of the State's water code.	See response to comment 9.7.1.	No	
8.10.1	Supports a finding that Newport Bay and its tributaries are water quality limited due to trash and debris.	Comment acknowledged.	No	
8.10.2	Supports a finding that Santa Ana River and its tributaries are water quality limited due to trash and debris.	Comment acknowledged.	No	
8.10.3	Buck Gully Creek - Amend the Region 8 Basin Plan to identify beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. These contaminants do cause significant impairments to the creek, which drains into an Area of Special Biological Significance (ASBS).	See response to comment 9.7.1.	No	
8.10.4	Los Trancos Creek - Amend the Region 8 Basin Plan to identify specific beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. These contaminants do cause significant impairments to this creek, which drains into an Area of Special Biological Significance (ASBS).	See response to comment 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.10.5	Muddy Creek - Amend the Region 8 Basin Plan to identify specific beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. These contaminants do cause significant impairments to this creek, which drains into an Area of Special Biological Significance (ASBS).	See response to comment 9.7.1.	No	
8.10.6	Newport Beach Shoreline - This segment of ocean shoreline does not have any significant record of impairment from total coliform or fecal coliform that warrants listing at this time.	Please refer to the response for Comment No. 4.11.3.	Yes	Volume III, Region 8
8.11.1	Lake Forest - We currently monitor the Lake on a weekly basis for temperature, clarity and oxygen. As requested in the Notice of Extended Public Solicitation for Water Quality Data and Information, a copy of the test results is enclosed with this request.	RWQCB staff has evaluated the data submitted and have found that the data submitted indicates that Basin Plan objectives are currently being met; therefore, staff do not recommend including Lake Forest on the 303(d) List. A new fact sheet has been included describing the information provided.	Yes	Volume III, Region 8
8.12.1	Concern expressed about the process for developing the 303(d) list since it appears to take much of the local input and control of the process out of the Regional Board's jurisdiction. It was unclear exactly what the Regional Board's role was in the listing process.	Comment acknowledged.	No	
8.12.2	Testimony and a letter presented at the January Board meeting by the Orange County Public Facilities and Resources Department (PFRD) expressed concern that the beneficial uses for the Santa Ana Delhi Channel have not been established in the Basin Plan and that it is therefore premature to consider 303(d) listing. Additionally, photos submitted by the PFRD show portions of the Channel as concrete-lined with recreation access restrictions. The PFRD and others, including members of the Board, questioned whether a REC-1 use designation would be appropriate for this water body.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.13.1	The Basin Plan has no established beneficial uses for the Santa Ana-Delhi Channel although the lower section (approximately a half-mile) would constitute a tidal prism of a flood control channel discharging to Bay waters. In fact the proposed triennial work plan of the Regional Board recommends adding appropriate beneficial uses for Santa Ana Delhi Channel, recognizing that this has not been done. Santa Ana-Delhi Channel above the tidal prism should not be considered as water quality limited for REC-1 and REC-2 since these beneficial uses are currently being proposed by the Regional Board.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.13.2	The Basin Plan exempts many channels in Orange County from the MUN designation, therefore this listing is inappropriate. No areas of Santa Ana-Delhi Channel should be considered as water quality limited for MUN since this beneficial use is not applicable.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.13.3	Since the data used for the proposed listing closed in May 2001, most of the fecal coliform data available for comparison with the REC-1 and REC-2 objectives were 3 to 5 years old and do not reflect current conditions. This is a very limited dataset for listing purposes and may be highly influenced by seasonal winter conditions. Evaluation of the tidal prism of Santa Ana-Delhi Channel as water quality limited for REC-1 and REC-2 due to bacterial indicators should be based on a comparison of fecal coliform data to the WQO and limited to non-storm conditions. If such data does not support the listing, the tidal prism of the Santa Ana-Delhi Channel should not be listed as water quality limited for REC-1 and REC-2.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.13.4	Santa Ana-Delhi Channel as a whole is not conducive in its entirety for either a REC-1 or REC-2 use and would be extremely dangerous during rain events. The tidal prism is partially within an ecological reserve operated by the Department of Fish and Game and swimming is prohibited by the Department.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.14.1	The Santa Ana Delhi Channel is not conducive for either REC-1 or REC-2 use and would be extremely dangerous during rain events. It has restricted public access and is gated and fenced for flood control purposes.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.14.2	The tidal prism of the Santa Ana Delhi Channel is partially within an ecological reserve operated by the Department of Fish and Game (DFG). DFG prohibits swimming in the reserve.	Comment acknowledged.	No	
8.14.3	Inappropriate water quality objectives and designated beneficial uses are being applied to the Santa Ana Delhi Channel. The selection of beneficial uses should be made with consideration of the condition of a water body, the overall advantage of achieving a given use, and the cost of achieving this goal.	Please refer to the response for Comment No. 9.7.1.	No	
8.14.4	The basin plan has no established beneficial uses for the Santa Ana Delhi Channel.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.14.5	The Santa Ana Regional Water Quality Control Board should define water quality criteria in terms of frequency, magnitude and duration so that the 303(d) list would be formulated with consideration of these factors. Subsequent Total Maximum Daily Loads (TMDLs) based upon water quality objectives would then be more reasonably enforceable.	Please refer to the response for Comment No. 9.7.1.	No	
8.14.6	Santa Ana Delhi Channel - Three years have transpired since the data for the proposed listing was collected. The fecal coliform data available for comparison with the REC-1 and REC-2 objectives is dated and may not reflect current conditions.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.14.7	Request removal of the Santa Ana Delhi Channel from the proposed 303(d) list.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.15.1	The County of Orange owns the Santa Ana/Delhi Channel and the Channel is concrete lined to carry flows primarily during rainstorms. How could such a Channel be placed on this list, when the regulations, under which it was recommended, pertain to the protection of recreational uses.	<p>The Santa Ana Delhi Channel (Channel) drains parts of the cities of Santa Ana and Costa Mesa and ultimately flows into Upper Newport Bay (Bay). Reconnaissance by Santa Ana RWQCB staff indicates that about 38 percent of the Channel is unlined; the unlined reaches alternate with concrete lined reaches along the entire length of the Channel.</p> <p>At present, the Channel does not have beneficial uses designated in the Basin Plan. Nor have water quality objectives been established for these waters. While the Channel is intended to convey runoff, it may be designated for beneficial uses in the future. The Channel can potentially be accessed by the public, particularly in the unlined reaches.</p> <p>The Orange County Health Care Agency (OCHCA) has collected fecal coliform data on flows in the Channel and, based on its analysis of that data, recommended that the Channel be added to the 303(d) list. The OCHCA's findings and recommendations are consistent with earlier (1999) findings by RWQCB staff during the development of the Fecal Coliform Total Maximum Daily Load (TMDL) for the Bay. A key element of that TMDL was the identification and evaluation of sources of fecal coliform input to the Bay. To implement this TMDL, input from the Channel that impacts bacterial quality in the Bay needs to be controlled.</p> <p>Since no beneficial uses or water quality standards have been adopted for the Channel and because there is no information in the record to suggest an existing REC-1 beneficial use, it is recommended that the water body not be placed on the section 303(d) list. The fact sheet has been modified accordingly.</p>	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.15.2	The data used to place the Santa Ana Delhi Channel on the 303(d) list was taken 3 years ago. How can this data be used to establish a designation today when the current environment more likely than not has changed? Does the data apply to the whole Channel or just portions of the Channel?	<p>The available data for the Channel during the current listing cycle was collected in 1997 and 1998 in both wet and dry seasons.</p> <p>As part of the development of the Newport Bay Fecal Coliform TMDL, the Channel was identified as a source of bacterial contamination that impacts recreation activities in the Bay. The data for the Channel evaluated as part of the Newport Bay TMDL development indicates that out of 22 weeks of coliform data collection, all exceeded the bacterial standards for REC-1.</p> <p>RWQCB staff has reviewed data for the Channel collected by OCHCA during 2001 and 2002. In 2001, there were 7 exceedances of REC-1 guidelines out of 7 samples collected (30-day, 5-sample geometric mean of fecal coliform). From January to June 2002, there were 5 exceedances of REC-1 guidelines out of 5 samples collected. In addition to exceedances of REC-1 guidelines, the applied guidelines for the non-contact water recreation (REC-2) uses (e.g., picnicking) was exceeded 3 out of 7 times in 2001 and 2 out of 5 times in 2002. This clearly indicates that the Channel continues to have consistently elevated bacteria levels and is a sources of contamination to Newport Bay.</p>	No	
8.15.3	Santa Ana-Delhi Channel - In all the documentation either reviewed online or received from other parties, there appears to be no reference to a cost/benefit analysis. First of all, when is the cost benefit analysis done and if it is, where is it located in statue or regulation?	CWA section 303(d) does not authorize a cost-benefit analyses to be conducted as part of the development of the 303(d) list. Economic considerations are part of the process establish water quality objectives and to incorporate a TMDL and associated implementation plan into RWQCB's Basin Plan. RWQCBs must comply with the California Environmental Quality Act (CEQA) when amending the Basin Plan. CEQA requires that RWQCB perform an environmental analysis of the reasonably foreseeable methods of compliance with the Basin Plan amendment that establishes TMDLs. This analysis must include economic factors. However, cost is not relevant to determining whether existing water quality standards are met.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.16.1	Buck Gully has perennial flows in the amount of 250,000 gallons per day throughout the entire dry season; April 15-Oct. 15. This creek has consistent daily recreation uses, which are well documented by approximately 100 photos. It drains a large developed area of residential projects and carries urban runoff from all of them. Sampling data has been supplied to the Regional Board. The staff of the Regional Board supports our recommendation to list Buck Gully. Please consider our request to add Buck Gully to the 303d list.	Buck Gully Creek is proposed for listing downstream of Pacific Coast Highway, where REC -1 use currently exists.	Yes	Volume III, Region 8
8.16.2	We agree with your recommendations for Los Trancos Creek and Muddy Creek, as they do not have flows either.	Please refer to the response for Comment No. 8.4.1.	Yes	Volume III, Region 8
8.17.1	We support the addition of Huntington State Beach (from Newland Avenue to the Santa Ana River) to the 303(d) list for bacteria.	Comment acknowledged.	No	
8.17.2	We support the addition of Newport Beach (1000 feet down coast of the Santa Ana River) to the 303(d) list for bacteria.	Comment acknowledged.	No	
8.17.3	We support the addition of San Diego Creek (Reach 1) to the 303(d) list for fecal coliform.	Comment acknowledged.	No	
8.17.4	We support adding the Santa Ana Delhi Channel to the 303(d) list for fecal coliform.	Comment acknowledged.	No	
8.17.5	The Watch List should be eliminated. In many if not all instances, the Watch list and TMDLs Completed List function to "delist" water segments from the 303(d) List. Most, if not all of the water segments on the Watch List should be listed on the 303(d) List. Since these segments are not on the section 303(d) List, the Watch List constitutes a delisting of these impaired water segments. Placing an impaired water body on any list other than a 303(d) list violates the mandate in Section 303(d), even if there is "a regulatory program in place to control the pollutant but data are not available to demonstrate that the program is successful". Even where data are available it is generally not clear how a water body qualified for the Watch List. There are no guidelines on what "insufficient information means". Putting waters on a list with no basis in statute will not make them better priorities for monitoring money.	See response to comment G.10.1, G.10.9, and G10.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.17.6	The TMDLs Completed List should not remove waters from the 303(d) list. The TMDLs Completed List has a similar delisting effect, and is likewise contrary to the Clean Water Act. The Clean Water Act contains no basis for delisting a water segment merely because a TMDL has been written. It does not grant EPA authority to allow states to remove water segments from the list while the impairment is continuing. Section 303(d) focuses on impaired water segments meeting attainment standards. The water segments on the TMDLs Completed List should be on the 303(d) List, because they remain impaired.	See response to comment G.10.1	No	
8.17.7	Upper and Lower Newport Bay should not be delisted for fecal coliform, nutrients or siltation. San Diego Creek (Reaches 1 and 2) should not be delisted for nutrients or siltation. The stated reason for delisting these waters is "because TMDL has been incorporated into Basin Plan." Adoption of a TMDL does not mean the water segment is no longer impaired, and is therefore not sufficient grounds for delisting. Certain delistings have been prematurely proposed, as those waters remain impaired. Empirical assessment must be performed before any legal status (listing or delisting) is established. There is no basis in the Clean Water Act for delisting a water body simply because a TMDL has been completed.	Federal regulations (40 CFR 130.7) requires the states to "identify water quality limited segments still requiring TMDLs" for which appropriate control actions are not in place. The regulations indicate that the 303(d) list should consist of water bodies still needing TMDLs. Furthermore, with the establishment of the TMDLs in the Basin Plan, the appropriate enforceable tools that can and will be used by the RWQCB to ensure that the waste load and load allocations are met to address the problem. It serves no purpose to continue to include water bodies for which TMDLs have been established. Also please refer to the response for Comment No. G.10.1.	No	
8.17.8	Strongly supports the SWRCB's use of the 1998 303(d) List as the basis for the 2002 list. We also support the additions the SWRCB has made to the list.	Comment acknowledged.	No	
8.17.9	Volume I, Table 2 contains a list of proposed deletions from the 1998 Section 303(d) list. These reasons should be made readily available to the concerned public. We request that the SWRCB add a column to that table that briefly describes the reason for the delisting. In Region 8 the SWRCB should describe why it proposes deletion of Upper and Lower Newport Bay for fecal coliform, nutrients and siltation; deletion of San Diego Creek (Reaches 1 and 2) for nutrients and siltation; and Santa Ana River (Reach 3) for nitrogen and Total Dissolved Solids.	Please refer to the response for Comment No. G.10.8.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.17.10	We request clarification of the discussion in Volume I, p. 5. The "size affected" values for the 1998 list may change in the 2002 list because of new GeoWBS data. The changes must be summarized in a table in order to have meaningful public review and comment.	Please refer to the response to Comment No. G.10.15.	Yes	Proposed section 303(d) list
8.17.11	Encourage the State Water Resources Control Board to list Newport Bay as an impaired water body due to trash. (Additional comments and materials provided in support of this request).	The data and information submitted suggests there might be a trash problem in Upper Newport Bay. A new fact sheet has been included in the staff report.	Yes	Volume III, Region 8
8.17.12	Encourage the State Water Resources Control Board to list the Santa Ana River as an impaired water body due to trash. (Additional comments and materials provided in support of this request).	The data and information submitted suggests there might be a trash problem in the Santa Ana River, Reach 1. A new fact sheet has been included in the staff report.	Yes	Volume III, Region 8
8.18.1	The National Marine Fisheries Service (NMFS) recommends that Huntington Harbour be added to the 303(d) list, as impaired due to infestation by the highly invasive marine alga <i>Caulerpa taxifolia</i> . <i>Caulerpa</i> was found in Huntington Harbor in August 2000 and was one of the first known infestations along the Pacific Coast of North America. Spread of this alga throughout the Mediterranean has already resulted in devastating ecological and economic consequences. As a biological material released through discharges of waste, <i>Caulerpa</i> can be considered a pollutant as defined in the Clean Water Act. The presence of <i>Caulerpa</i> impairs and threatens greater impairment of the beneficial uses of Huntington Harbor, including estuarine habitat, marine habitat, contact water recreation, and commercial and sport fishing. If <i>Caulerpa</i> spreads to the ocean, the beneficial uses of the entire Pacific Coast are also at risk.	Staff agrees that certain portions of Huntington Harbour are impacted by the nuisance algae <i>Caulerpa taxifolia</i> . However, including Huntington Harbour on the 303(d) List and developing a TMDL for <i>Caulerpa taxifolia</i> infestation is not the appropriate mechanism to address the impacts on Huntington Harbour. <i>Caulerpa</i> is not a pollutant. There are number of program and efforts currently underway to address the problem. For example, RWQCB staff is coordinating efforts to define the spatial extent of the infestation, working other agencies and interested parties to confine the infestation and thereby prevent its spread to other parts of the Harbour, examining available technologies for <i>Caulerpa</i> removal potential and educating the public as to its source and impact to the Harbour. These measures are sufficient to address <i>Caulerpa</i> .	No	
8.301.1	Commenter joins the City of Newport Beach in supporting the listing of the Santa Ana River as an impaired water body for trash.	Please refer to the response for Comment No. 8.17.11.	Yes	Volume III, Region 8
8.302.1	I have observed trash floating in the water and littered all along the riverbed. This trash will be washed into the ocean during the next storm. I urge the water board to list the Santa Ana River as being trash impaired.	Please refer to the response for Comment No. 8.17.12.	Yes	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.303.1	The river mouth is one of the worst beaches I've seen with regard to the accumulation of trash along the coastline. I support listing the Santa Ana River as an impaired water body due to trash.	Please refer to the response for Comment No. 8.17.12.	Yes	Volume III, Region 8
8.304.1	I appreciate you're not adding to the list Muddy, Buck Gully or Los Trancos and we would request further consideration to delete from the listing the three small Pelican Hill creeks and allow the existing permits to handle the cleanup process through BMPs. Also see comment 8.8.1.	See response to Comment No. 8.4.1.	Yes	Volume III, Region 8
8.305.1	Unlike some of the other channels that perhaps are being used for storm drain purposes that previously were creeks or rivers, Delhi has never been a creek or a river. Delhi was an irrigation ditch back in the 1940's. It was improved with riprap and concrete lining on the bottom. It's fenced. It's simply a part of the storm drain system and is no different than the pipes in the ground that also serve that system. See letter 8.6.	Please refer to the response for Comment No. 8.15.1.	Yes	Volume III, Region 8
8.306.1	A particular concern is the listing of San Diego Creek Reach 1 as impaired due to fecal coliform. Trash is a problem in San Diego Creek that can be reduced effectively with very low tech solutions. This is not the case with fecal coliform. Fish and wildlife are abundant in the area, as is animal waste. For this reason we do not believe that MUN and REC-1 uses are compatible with wildlife uses. Request that the Board take action to assure that the 303(d) list and associated beneficial uses result in realistic water quality objectives for the stakeholders.	See response to comment 9.7.1.	No	
8.307.1	Our organization submitted the coastal creeks for inclusion on the 303(d) list because we noticed that in Buck Gully in particular there were daily occurrences of adults, children and toddlers playing in the flow across the beach. Our concern about the state's recommendation is that it includes the creeks that have little or no dry flow, but excludes the one with the highest dry flow, Buck Gully, which has existing REC-1 and REC-2 uses. Also see letters 8.3 and 8.16.	See response to comment 8.4.1.	Yes	Volume III, Region 8
8.308.			No	Volume III, Region 8

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.308.1	Impaired waters should not be delisted because TMDLs have been completed. Delisting waters that are still impaired is a violation of the Clean Water Act.	See response to comment G.10.1.	No	
8.308.2	Eliminate the Watch List and TMDLs Completed List. Listing impaired waters on any other list besides the 303(d) list is a violation of the CWA.	See response to comment G.10.1.	No	
8.308.3	We support adding Newport Bay to the 303(d) list for impairment due to trash. Trash impairs the beneficial uses of Newport Bay as they are listed in the Basin Plan.	See response to comment 8.17.11.	Yes	Volume III, Region 8
8.308.4	We support adding the Santa Ana River to the 303(d) list for impairment due to trash. Trash hinders the beneficial uses of the Santa Ana River.	See response to comment 8.17.12.	Yes	
8.309.1	As a result of a treatment system (constructed wetland) designed to improve regional water quality, the REC-1 water quality objectives established for San Diego Creek may be violated. San Diego Creek has limited if any recreational uses. Some beneficial use designations have been misapplied.	See response to comment 9.7.1.	No	
8.310.1	See also letter 8.9. The Regional Water Board applied inappropriate water quality objectives and designated beneficial uses to many of the proposed revisions.	Please refer to the response for Comment No. 9.7.1.	No	
8.310.2	The Board should adopt an approach to regulating, maintaining and improving water quality through measures which are as technically proficient as possible.	Comment acknowledged.	No	
8.310.3	The Board should consider an economic analysis to evaluate the impact of implementing basin plan water objectives to non-point sources including storm water and urban runoff. You should consider the need for developing housing, the probable beneficial uses of any given water body.	See response to comment 8.9.3.	No	
8.310.4	Review each Region's Basin Plan with particular focus on the designated beneficial uses and water quality objectives prior to adding water bodies to the final 303(d) listing.	Please refer to the response for Comment No. 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
8.311.1	See also letter 8.9. We want to make it clear that some of the water bodies in Orange County that have been designated for recreational uses maybe ought not to be and there should be consideration of the condition of a water body, the advantages of achieving a designated use, and the costs of achieving a designated use.	Please refer to the response for Comment No. 9.7.1.	No	
8.312.1	You should focus on creating standards that will create and earn public support as well as produce reasonable, sensible and appropriate applications that match the designated use and keep costs in line with the overall objectives of what we all want, and that's good water quality.	Please refer to the response for Comment No. 9.7.1.	No	
8.313.1	Santa Ana Delhi Channel - Beneficial uses should be designated first, before 303(d) listing efforts. Also see letter 8.13.	Please refer to the response for Comment No. 8.15.1.	Yes	
9.1.1	San Diego River and Sycamore Creek are polluted by urban runoff, do not support designated beneficial uses, and should be on the 303(d) List.	Agree. The San Diego River was (already) recommended for 303(d) listing for the following constituents: fecal coliform, dissolved oxygen, phosphorus, and total dissolved solids. It is also recommended for placement on the Monitoring List (see response to Comment G.11.11) for several constituents/conditions (e.g., benthic community degradation, benzene, chlordane, eutrophication, exotic vegetation, methyl tertiary-butyl ether, and trash).	No	
9.1.2	Notify the correspondent of all future meetings/hearings on this issue.	All commenters on the draft staff report will be notified of future meetings related to the section 303(d) list.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.2.1	San Diego Bay near Crosby Street Park should be added to 303(d) List because of (a) sediment toxicity, (b) chemical contamination (of sediments), and (c) loss of beneficial uses (swimming, fishing).	<p>Bay Protection and Toxic Cleanup Program data for this site were not sufficient for listing this bay site. Although close, the sample data failed to trigger the need for a benthic community analysis. High chemistry levels in samples and evidence of a degraded benthic community were both considered necessary for listing.</p> <p>Furthermore, new data (submitted during the extended period in 2002) also did not qualify the site for listing. In conclusion, the data are not adequate to support 303(d) listing of this site at this time. SWRCB staff recommends placing this site on the Monitoring List.</p> <p>In reviewing the data and information available near Crosby Street it became apparent that two segments south of Crosby Street should be placed on the section 303(d) list. Several new fact sheets describing these segments have been included in the staff report.</p>	Yes	Volume III, Region 9
9.2.2	South San Diego Bay near South Bay Power Plant should be added to the 303(d) List because of impacts from heat, copper, and chlorine on marine life.	Although new information was presented indicating that water quality standards are possibly not being attained, the information provided does is not sufficient to determine if water quality standards are not attained. A new fact sheet was developed to describe the information in the record.	Yes	Volume III, Region 9
9.3.1	Rancho California Water District's monitoring reports (which were not referenced in the RWQCB report) show that Murrieta Creek beneficial uses are not impaired due to exceedence of the Basin Plan's phosphorus water quality objective.	<p>Table 2, "List of Data Reviewed," from the RWQCB 2002 303(d) process staff report package (see response to Comment 9.6.1) indicates that the RWQCB staff reviewed the April 2001 Rancho California Water District water quality monitoring report. Staff examined the full range of water quality standards in the Basin Plan (Water Quality Control Plan for the San Diego Basin [9]) applicable to Murrieta Creek.</p> <p>Clean Water Act section 303(d) requires listing if water quality standards can not be implemented. Water quality standards include water quality criteria (in California, objectives) as well as designated beneficial uses. Appendix B, "Fact Sheets...", of the RWQCB staff report package identifies the water quality objective not attained and potential sources.</p> <p>Based on the RWQCB's analysis, the SWRCB staff supports the recommendation that Murrieta Creek be listed for harmful impact due phosphorus.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.3.2	Use of (0.1 mg/liter) Basin Plan objective for phosphorus as indicator of impacts to beneficial uses is "improper and unscientific" for listing Murrieta Creek.	See response to Comment 9.7.1.	No	
9.3.3	Use of the Basin Plan water quality objective for phosphorus to list Murrieta Creek runs contrary to RWQCB Order Number 96-54 (NPDES CA0108821) and the Implementation Plan portion of the Basin Plan, which grant the Rancho California Water District an exception to the 0.1 mg/liter objective.	The "exemption" granted the RCWD via its water quality permit does not revise the water quality objective for phosphorus for Murrieta Creek. It also does not obviate the State's responsibility to list Murrieta Creek if existing water quality standards can not be implemented. See also response to Comment 9.7.1.	No	
9.3.4	The River Monitoring and Management Program (RMMP), required by the Rancho California Water District's NPDES permit, would implement corrective actions if impairments to aesthetics, fish and wildlife habitat, or other beneficial uses are detected. The RMMP found no such evidence of impairment to Murrieta Creek beneficial uses.	As previously discussed (see responses to Comments 9.3.1 to 9.3.3), the State is required to recommend listing those water bodies where current, existing water quality standards can not be achieved. Such is the case with Murrieta Creek. The current, existing standard for phosphorus is 0.1 mg/l, and the tolerated violation rate is no more than 10% of the time (Page 3-6, San Diego Region Basin Plan). The anticipated results of the RMMP aside, the recommendation to list Murrieta Creek for phosphorus is appropriate.	No	
9.3.5	Concerning Murrieta Creek, non-compliance with phosphorus objective occurs (only) 16% of time during wet season (Dec-April). An 80% non-compliance rate occurs when the instream flow is predominantly from the NPDES-permitted Santa Rosa Water Reclamation Facility (SRWRF) discharge. It is better to maintain dry-season flows using the phosphorus-laden SRWRF discharge than to have no dry-season flows for beneficial uses.	See response to Comment 9.3.4.	No	
9.3.6	The upper Santa Margarita River should not be listed for phosphorus. No evidence to support this listing was provided. Data indicates a healthy ecosystem.	See responses to Comments 9.3.1 to 9.3.4. Water quality standards include existing water quality objectives as well as designated beneficial uses.	No	
9.3.7	Use of (0.1 mg/liter) Basin Plan objective for phosphorus as indicator of impacts to beneficial uses is "improper and unscientific" for listing the Upper Santa Margarita River.	See response to Comment 9.7.1.	No	
9.3.8	Use of the Basin Plan water quality objective for phosphorus to list the Upper Santa Margarita River runs contrary to RWQCB Order Number 96-54 (NPDES CA0108821) and the Implementation Plan portion of the Basin Plan, which grant the Rancho California Water District an exception to the 0.1 mg/liter objective.	See response to Comment 9.3.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.3.9	The River Monitoring and Management Program (RMMP), required by the Rancho California Water District's NPDES permit, would implement corrective actions if impairments to aesthetics, fish and wildlife habitat, or other beneficial uses are detected. The RMMP found no such evidence of impairment to Upper Santa Margarita River beneficial uses.	See response to Comment 9.3.4.	No	
9.4.1	A large portion of South San Diego Bay is impaired due to thermal discharges from the South Bay Power Plant. The report provided, "Deadly Power" references numerous studies in the records of the RWQCB. Studies show impacts to juvenile fisheries by hot water. This portion of the Bay should be listed.	See response to Comment 9.2.2.	Yes	Volume III, Region 9
9.4.2	A report by Woodward-Clyde for the Port District shows that the San Diego Bay area near Crosby (Cesar Chavez) Park has elevated levels of toxic materials. The Coronado Bridge listing should be expanded to cover the area of the Bay near the Park.	See response to Comment 9.2.1.	Yes	Volume III, Region 9
9.5.1	Exceedences based on small numbers (<6) of data could be due to random fluctuations or local spill events. Was the possibility of singular spills prior to monitoring checked by the RWQCB?	See responses to Comments 9.20.13 and G.11.11.	No	
9.5.2	In addition to the mean/median, standard deviations should be routinely evaluated and, where greater than the mean, the water body should not be listed as impaired (due to statistical uncertainty).	Descriptive statistics, means and medians, were reported for the benefit of readers. Data either exceeds or does not exceed a water quality objective. One option being examined for evaluating water quality sampling data is the use of the binomial distribution. Others approaches are available that can be used to interpret the data. See also responses to Comments 9.12.2 and G.11.18.	No	
9.5.3	SWRCB staff accepted RWQCB recommendations without proper analysis based on the key review categories (e.g., data quality, spatial/temporal representation, standard methodology). For example, the Dana Point Harbor recommendation was accepted despite the fact that the RWQCB reported that the analytical lab employed incorrect methodology.	The RWQCB reported its concerns about the Dana Point Harbor data analysis. Nonetheless, the RWQCB established a satisfactory level of doubt about the condition of water quality in this location. The recommendation to list is appropriate.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.5.4	Based on written SWRCB guidelines for the Watch List, several proposed sites should not have been listed, but instead should be on the Watch List or not listed.	In response to public comment, the Watch List concept has been revised, bringing it into better agreement with current USEPA guidelines. Please refer to the response for Comment No. G.10.1 and G.11.11.	No	
9.5.5	Exceedences based on small numbers (<6) of data do not constitute a "weight of evidence" approach and prove impairment.	See responses to Comments 9.5.2 and G.11.18.	No	
9.5.6	Just as an unlisted tributary is subject to the same water quality objectives as the listed water body, the weight of evidence necessary to list a water body should be at least as stringent as that needed to take regulatory action.	There is no legal or administrative reason why the level of evidence to list a water body need be the same as that required to take a regulatory action dictated by a separate program. Different (Clean Water Act) programs have different requirements. Each listing and de-listing on the revised 303(d) list is supported adequately by the evidence.	No	
9.5.7	RWQCB requires municipalities to collect WQ data for a "rigorous assessment" at a future date. This suggests that there is insufficient data about these water bodies now. Therefore, these water bodies should be put on the "Watch List" instead of being listed.	In water quality control there is always the need for more and better data. Meanwhile the SWRCB and RWQCBs must continue to take appropriate action on an ongoing basis. With the revised 303(d) list, SWRCB staff believes that the intended requirements of Clean Water Act section 303(d) are fulfilled.	No	
9.5.8	De-listing is difficult and a low RWQCB priority. Water bodies without adequate data "should be placed on the Watch List, or removed altogether."	SWRCB staff is preparing a comprehensive 303(d) Listing/De-listing Policy that will provide guidance as to exactly how, why, and when listing and de-listing should be accomplished. For example, using a statistically-valid procedure based on the binomial distribution, de-listing would require more evidence than listing. Nonetheless de-listing would be possible if warranted. The focus of the SWRCB decision-making would be on confidence in the outcome -- choosing procedures to minimize listing waters that should not be listed, and how to minimize de-listing waters that should remain listed.	No	
9.5.9	Recommended listings based on less than six data points contradicts the RWQCB report statement: "If the evidence was not sufficient,...new water bodies were not...listed"	When analyzed appropriately, fewer than six data points can be statistically valid for making decisions. See also responses to Comments 9.5.2, 9.5.7, and 9.12.2.	No	
9.5.10	Listings for six water bodies (Agua Hedionda, Green Valley, Kit Carson, Prima Deshecha, and Segunda Deshecha Creeks; Dana Point Harbor) contradicts RWQCB guidance (i.e., prohibition against using non-year-round data).	It is rare for water samples to comprehensively account for every temporal and spatial possibility. In general, the data used by the RWQCB staff in recommending 303(d)-listed waters are deemed adequate. See also responses to Comments G.11.18 and G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.6.1	The 1998 List includes Rainbow Creek for eutrophic conditions. RWQCB now admits that Rainbow Creek is not eutrophic. Recent action by RWQCB staff attempts to implement TMDL for nutrients (nitrogen/phosphorus), without adequate data. This is inappropriate.	In its 2002 303(d) List Staff Report package (see http://www.swrcb.ca.gov/303dupdate.html) the RWQCB recommended that the precise evidence of water quality impairment to Rainbow Creek be changed from "eutrophication" to "nitrate and phosphorus." As the Commenter noted, the original designation was based upon a faulty assumption that eutrophic conditions existed because of the elevated levels of nutrients. Subsequently, data collected for development of a TMDL revealed that eutrophic conditions do not exist, but concentrations of nitrate and phosphorus in excess of Basin Plan objectives do exist. Therefore, Rainbow Creek beneficial uses are clearly impacted and there is no reason to de-list it. Instead, during this listing cycle, and as recommended, the reason why standards cannot be achieved will be correctly identified (as nitrogen/phosphorus).	Yes	Volume III, Region 9

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.7.1	<p>Current WQ standards for TDS are inappropriate for use in listing (11) San Diego-area water bodies for the following reasons:</p> <p>RWQCB recommended that 11 water bodies be listed for TDS, chloride, and sulfate. Local area groundwater contributes a significant portion of TDS to surface water flows in dry and even wet periods. TDS water quality objectives for surface and ground water vary greatly (e.g., 500 and 1500 mg/l). Imported State Water Project and Colorado River water contributes significant amounts of salinity to area surface water flows.</p>	<p>The comment confuses two discrete CWA processes. The process described by the commenter is the triennial review process where standards are evaluated to determine if they are appropriate to the water body. The 303(d) process is directed to evaluating if standards are attained. It is neither appropriate or possible to change existing water quality standards (i.e., objectives, beneficial uses) within the confines of the 303(d) listing process. The development of a section 303(d) list must, by law, rely on the interpretation of existing water quality standards. In contrast, the often lengthy and labor-intensive process to study and change water quality standards is best handled through the established Basin Plan Triennial Review process.</p> <p>Clean Water Act section 303(d) requires the state to create a list of waters that do not meet currently existing water quality standards. It does not require, and by itself provides no mechanism to accomplish, changes to existing standards. The purpose of the 303(d) list is to provide information about water bodies relative to existing standards, not to reexamine whether those standards are appropriate. Any initial attempt to revise water quality standards before or during the listing process would almost certainly prevent timely fulfillment of section 303(d)-required tasks.</p> <p>The process for examining and assessing water quality standards is different and by necessity separate from the one required to amend the 303(d) list. Federal law requires the states to review water quality standards "at least once every three years." (40 C.F.R. § 131.20.) During a triennial review, the:</p> <p>"State shall . . . hold public hearings for the purpose of reviewing applicable water quality standards, and, as appropriate, modifying or adopting standards. Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act shall be re-examined every three years to determine if any new information has become available." (Id.)</p> <p>In contrast, to develop a section 303(d) list a state must assemble and evaluate "all existing and readily available water-quality related data and information." (40 CFR 130.7.) Accordingly, for the 2002 listing process the SWRCB and</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		RWQCBs only solicited information about whether waters are meeting current standards; they did not inquire whether existing standards are appropriate. Data and information so collected did not necessarily include information about historic, current, or potential future uses of any particular body of water. As such, the administrative record for the 2002 listing process was not intended to and cannot support the evaluation of standards.		
9.7.2	Cloverdale Creek should be placed on Watch List because the total phosphorus listing is based on only 8 samples from "two brief periods of time"; RWQCB staff used inappropriate statistical analyses; and storm and non-storm event data not separated.	The RWQCB Proposed 303(d) List Staff Report (see response to Comment 9.6.1) Fact Sheet on Cloverdale Creek discusses the water quality objectives not being attained (phosphorus and TDS). The objectives, of course, come from the Region's Basin Plan (Water Quality Control Plan for the San Diego Basin [9]). Section 303(d) of the Clean Water Act clearly states that waters must be listed when water quality standards can not be implemented. Such is the case for Cloverdale Creek. Therefore, the conclusions to recommend listing Cloverdale Creek due to phosphorus and TDS were both correct.	No	
9.7.3	Place Lake Hodges on Watch List. (The reasons given are the same as in Comment 9.7.2.)	See response to Comment 9.7.2.	No	
9.7.4	Remove upper San Margarita River from 303(d) List because listing contradicts "existing RWQCB NPDES permits, policy actions, and the Basin Plan."	See responses to Comments 9.3.1 to 9.3.9.	No	
9.7.5	Lower San Diego River should be removed from list. (The reasons given are the same as in Comment 9.7.4.)	See responses to Comments 9.3.1 to 9.3.9.	No	
9.7.6	San Diego beaches were inappropriately placed on (previous) 303(d) lists. For 2002, the RWQCB has inappropriately used/assessed data in the Annual Beach Closure and Advisory Reports. No distinction was made between closures due to sewage spills and those due to "chronic indicator exceedences."	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.7.7	The San Mateo Creek Outlet should be removed from the proposed 2002 303(d) list. Sewage spills are best addressed through other regulatory means, not the 303(d)/TMDL process. Beach Closure and Advisory Reports are not an appropriate basis for a listing San Mateo Creek Outlet. Data indicate a one-time, not chronic problem.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.7.8	The Bermuda Avenue-Ocean beach should be removed from the proposed 2002 303(d) list. Sewage spills are best addressed through other regulatory means, not the 303(d)/TMDL process. Beach Closure and Advisory Reports are not an appropriate basis for a listing Bermuda Avenue-Ocean beach. "The number of days this beach was posted does not reflect the number of bacterial indicator exceedences."	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.7.9	The Kellogg Street Beach should be removed from the proposed 2002 list. Sewage spills are best addressed through other regulatory means, not the 303(d)/TMDL process. Beach Closure and Advisory Reports are not an appropriate basis for a listing Kellogg Street Beach.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.7.10	<p>Agua Hedionda should be on the Watch List instead of the 303(d) list, for diazinon, because of:</p> <ul style="list-style-type: none"> - no clear link to invertebrate toxicity or community degradation - QA/QC problems with data used by RWQCB - analytical limitations with data used by RWQCB - Diazinon as a product is being phased out (between 12/02 and 12/04) - Agua Hedionda is already being monitored under RWQCB Order 2001-01 for Diazinon chemistry, toxicity, and benthic community structure. This information will provide the "weight-of-evidence" approach necessary to properly asses Agua Hedionda. 	Agree. Agua Hedionda will be placed on the Monitoring List for diazinon.	Yes	Volume III, Region 9
9.8.1	<p>Objects to putting Coronado Beach on "Watch List" because:</p> <ul style="list-style-type: none"> - 1 mile+ stretch is heavily monitored - 600 samples/year - bacteriological WQ objectives being met 	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.8.2	<p>This listing title (San Diego Bay [Coronado]) is inaccurate/misleading. No data exists to list the entire Coronado area. Instead, title should be "San Diego Bay (Coronado) Tidelands Park" with the extent only 0.2 miles.</p> <p>Furthermore, this should be a new listing. The 1998 list approved by USEPA does not contain Coronado's 20 miles of shoreline.</p>	As explained in the RWQCB 2002 303(d) Listing Staff Report fact sheet, San Diego Bay is treated as one water body in the regional Water Quality Control Plan; hence this title is also used in the 303(d) listing. However, the specific affected area in question is the San Diego Bay shoreline at Tidelands Park, as the Staff Report makes clear in Table B-1. No change is required. See also response to Comment 9.8.1.	No	
9.8.3	Objects to Watch List status for Coronado beaches displaying a permanent health risk sign. Signs are posted because of outfalls that pose a threat only during certain rain events.	Agree. See response to Comment 4.11.3.	Yes	Volume III, Region 9
9.9.1	Prima Deshecha Creek should not be listed for turbidity because soil erosion is from upstream areas and occurs naturally during the wet season.	The RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) indicates, "Most of Prima Deshecha Creek runs through highly urbanized areas that have seen tremendous growth in recent years. [Channelization] of the stream has probably increased water velocity that could be causing the undercutting of banks and increasing turbidity. Recent and past construction activities may also have contributed." A significant portion of the source of the increased turbidity in this water body is probably human-caused. Listing this water body is therefore appropriate.	No	
9.9.2	Segunda Deshecha Creek should not be listed for turbidity because soil erosion is from upstream areas and occurs naturally during the wet season.	See response to Comment 9.9.1.	No	
9.9.3	Certain beneficial use designations and WQ objectives are not appropriate for the San Clemente area.	See response to Comment 9.7.1.	No	
9.9.4	All but the first two San Clemente shoreline areas (Poche Beach, North Beach [Pico Drain]) should be removed from the list. These areas did not exceed applicable bacterial WQ objectives for more than 10 days per year in either 2000 or 2001, based on beach closure and advisory reports.	<p>Tables 1 and 4 of the RWQCB's 2002 List Staff Report package (see response to Comment 9.6.1) indicate that these water bodies were originally listed in 1998. 1998 listings were not reviewed unless new data was submitted indicating that an existing listing should be de-listed or otherwise changed. New data became available only for the Pacific shoreline at Coronado, which as a result was recommended by the RWQCB for de-listing.</p> <p>SWRCB staff agrees that beach closures/advisories based on sewage spills alone are not adequate to place a water body on the 303(d) list. See responses to Comments 4.11.3, 9.20.13, and G.11.11.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.10.1	<p>Forester Creek should not be listed. Reasons:</p> <p>1. Fecal coliform - 6 out of 9 exceedences are not good statistical reasons, especially since testing was during the dry season.</p> <p>2. pH - The location of pH testing is unclear.</p> <p>3. TDS - The Secondary Maximum Contaminant Level for Drinking Water should not be used for Forester Creek, as the San Diego River immediately adjacent to the Creek is exempt from this standard and a Municipal and Domestic beneficial use designation in the Basin Plan.</p> <p>4. It should be in Basin Number 907.13 not 907.12.</p>	<p>1. As outlined in the RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) for Forester Creek, "14 of 38 samples (37%) in both wet and dry weather had levels of fecal coliform in excess of 400 Most Probable Number (MPN)/mL." In addition, "13 of 24 months exceeded the fecal coliform objective in more than 10% of the samples." While data is limited, what is available indicates standards are exceeded for this constituent.</p> <p>2. The description in the RWQCB Fact Sheet is more than adequate: "The City of El Cajon sampled six drainage areas along Forester Creek, all in commercial and industrial zones in the City of El Cajon. The sampling areas are north of I-8 between Magnolia and Johnson, four hundred feet before the junction with Washington Channel, to the East of city shops at Vernon, north of Vernon Way between Johnson and Marshall, at the intersection of Marshall and B. Mitchell, and at the north city limit of Forester Creek. Most of these stations are now concrete-lined channels. All of these stations display high pH. Therefore, the extent of impairment is the extent of the reach within the City of El Cajon. This upper portion of the creek is approximately 3.0 miles."</p> <p>3. While true that portions of the San Diego River has been exempted by RWQCB action from the "Sources of Drinking Water Policy," neither segment of Forester Creek has been so exempted (Page 2-36, Water Quality Control Plan for the San Diego Basin [9]).</p> <p>4. Forester Creek spans both the 907.12 and 907.13 Hydrologic Sub-areas.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.10.2	<p>San Diego River should not be listed because:</p> <p>1. Fecal coliform - 9/13 exceedences in 8 months is not a good statistical reason, especially since testing was during the dry season.</p> <p>2. DO - Controlling DO is difficult due to the high salinity of ground water. The DO impairment should be changed to the lower 15 miles.</p> <p>3. Phosphorus - The City and County of San Diego are working to reclaim and vegetate the River, improving phosphorus levels. Only the lower 15 miles should be listed.</p> <p>4. TDS - Only the lower 15 miles should be listed.</p>	<p>1. See response to Comment 9.10.1.</p> <p>2. See response to Comment 9.7.1. The current estimated extent of impairment is approximately 20 miles.</p> <p>3. Under the requirements of section 303(d) of the Clean Water Act, it is necessary to list the San Diego River despite any planned local activities. The current estimated extent of the problem is approximately 20 miles.</p> <p>4. Agree. Concerning TDS in the San Diego River the RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) states that, "High concentrations were observed from Old Mission Dam to Fashion Valley Road. The extent of the problem is therefore the lower portion of the river between these two stations. This covers approximately an area of 15 miles." No revision is necessary.</p>	No	
9.11.1	<p>San Diego Bay, Kellogg Street Beach; San Diego Bay, Shelter Island Shoreline Park; and San Diego Bay, Coronado should be added to the proposed 303(d) as new waters, not as changes to (1998), because there were no data collected on these sites during the 1998 listing process.</p>	<p>The RWQCB Staff Report and Fact Sheet (see response to Comment 9.6.1) outlined the rationale behind the recommended changes. As the Staff Report states, "The segments of South Capistrano Beach at Beach Road, San Mateo Creek outlet, Ocean Beach at Bermuda Avenue, San Diego Bay at Kellogg Street, Shelter Island Shoreline Park and Tidelands Park are new, additional segments within previously listed hydrologic areas. They are not newly recommended listings."</p> <p>San Diego Bay is listed as a single waterbody and was listed in 1998. Therefore, any new segments suggested for 303(d) listing within San Diego Bay are considered to be changes to the extent of impact of a previously listed waterbody. These are new segments that do not meet standards to better focus an existing listing.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.11.2	San Diego Bay, Coronado should be listed as a new water body, not as a change to an existing 1998-listed water, because the RWQCB should employ the same rationale used to separate "Dana Point Harbor" from "Pacific Ocean, Dana Point"--i.e., they are distinct water bodies. Furthermore, it should be listed as "San Diego Bay, Coronado Tidelands Park."	<p>The Pacific Ocean Shoreline in Hydrologic Subarea 910.10 was listed in 1998 for Bacterial Indicators and is suggested for delisting in 2002. The Tidelands Park area is recommended as a new segment within the San Diego Bay listing. See response to Comment 9.11.1.</p> <p>The San Diego Bay, near Coronado Bridge listing (recommended for expansion to include the shoreline adjacent to Crosby Street Park) is on the other side of the Bay is unaffected by the Tidelands Park listing.</p>	No	
9.11.3	"Kellogg Street Beach...should be removed from the proposed 2002 303(d) list...because it is not an area of chronic impairment." Instead, the proposed listing was based on short-term sewage spills.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.12.1	San Mateo Creek Outlet, Bermuda Avenue-Ocean Beach, Kellogg Street (Beach) should be removed from list because (a) the RWQCB did not distinguish between beach postings due to [chronic] monitoring exceedences sewage spills and (b) other regulatory tools exist to address sewage spills.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 4
9.12.2	RWQCB approach for total phosphorus is oversimplified. A more thorough, weight-of-evidence approach should be used. Also, statistical analysis methods used by RWQCB are oversimplified and inappropriate.	<p>The water quality objectives for biostimulatory substances contained in the Basin Plan cannot be changed within the 303(d) process. See response to Comment 9.7.1.</p> <p>SWRCB staff disagrees that the statistical procedures used are inadequate. See also responses to Comments 9.5.2 and 9.5.9. One option is to gauge the validity of data using a binomial distribution model, wherein numeric data either exceed or not exceed some limit (e.g., water quality objective) some percentage of the time. If such a model is used in this case, the conclusion to list is valid.</p>	No	
9.12.3	Lake Hodges and Cloverdale Creek should be placed on the Watch List, not the 303(d) list. Data are spatially and temporally non-representative.	<p>A review of the 2002 RWQCB 303(d) List Staff Report and Fact Sheets (see response to Comment 9.6.1) indicates that data collected for Lake Hodges and Cloverdale Creek were adequate to propose listing these water bodies.</p> <p>The SWRCB is reviewing the use of binomial distribution-based statistics in order to evaluate the applicability and validity of monitoring data. See also responses to Comments 9.5.2, 9.5.7, and 9.12.2.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.12.4	RWQCB permits have been issued allowing "alternate phosphorus compliance methodology." Listing for these water bodies (upper San Margarita River, lower San Diego River) is incongruent with this Basin Plan allowance. These waters should be removed from the proposed list.	See responses to Comments 9.3.1 to 9.3.3.	No	
9.12.5	Recommend Watch List for Agua Hedionda Creek. 5/6 data values have QA/QC and analytical problems. The one valid data point was "non-detect" for Diazinon.	Agree. Agua Hedionda will be placed on the Monitoring List for diazinon.	Yes	Volume III, Region 9
9.13.1	Bacteriological impairment listing--Aliso Creek should be on Watch List instead of 303(d) list, until after new NPDES permit monitoring data is received/analyzed. Basin plan bacteriological objective may be unreasonable because: 1. Indicator bacteria may not correlate with risk to public. 2. Natural background may be root cause of exceedences. 3. There is no ability to differentiate between natural and anthropogenic causes. 4. State-required monitoring will result in new information, and make this listing action unnecessary..	See also responses to Comments 9.17.1 and G.11.5. 1. See also response to Comment 9.7.1. The 303(d) listing process must, by law, use existing water quality standards. Revisions to standards must be made in a separate process. 2. The 2002 303(d) listing process RWQCB staff report Fact Sheet (see response to Comment 9.6.1) discusses the rationale for listing. This document lists the potential sources of impacts as "Urban runoff, other point sources and non-point sources." 3. See response to #2, above. 4. A requirement for monitoring to be performed on Aliso Creek does not obviate the need to list this water body if, as the RWQCB staff reports, water quality standards cannot be achieved.	No	
9.13.2	Aliso Creek should be on Watch List. High background phosphorus levels are likely contributing to the problem. Much of the phosphorus reported is probably not biostimulatory (i.e., available to cause excessive algae growth). New data will be available soon.	The RWQCB Staff Report (see response to Comment 9.6.1) lists the potential source of phosphorus as "Urban runoff, other point sources and non-point sources." This, along with the other information provided indicates that Aliso Creek should be listed at this time.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.13.3	RWQCB assessment of toxicity data in a 205(j) study was inaccurate, overlooks important facts, focuses on the worst data, and misrepresents some information. "303(d) listing at this time is premature" for Aliso Creek.	<p>The Basin Plan (Water Quality Control Plan for the San Diego Basin [9]) is clear in its prohibition of toxicity. Section 303(d) of the Clean Water Act requires that any water body for which water quality standards cannot be implemented be listed.</p> <p>Admittedly, the 11 out of 20 results reviewed were collected during wet-weather. It is true that all testing during the low flow event of September 1998 showed no toxicity. This does not change the RWQCB/SWRCB recommendation. See also response to Comment 9.19.1.</p>	No	
9.14.1	San Diego Bay near Crosby Street Park should be added to 303(d) List because of (a) sediment toxicity, (b) chemical contamination (of sediments), and (c) loss of beneficial uses (swimming, fishing).	See response to Comment 9.2.1.	Yes	Volume III, Region 9
9.14.2	South San Diego Bay near South Bay Power Plant should be added to the 303(d) List because of impacts from heat, copper, and chlorine on marine life.	See response to Comment 9.2.2.	Yes	Volume III, Region 9
9.15.1	San Diego Bay near Crosby Street Park is impaired for sediment toxicity and should be added to the 2002 303(d) list. Residents swim and fish in these waters.	See response to Comment 9.2.1.	Yes	Volume III, Region 9
9.16.1	Rainbow Creek was inappropriately listed in 1998 for eutrophic conditions. Inappropriate for nutrients due to lack of data. Rainbow Creek should not be on the 303(d) list.	See response to Comment 9.6.1.	Yes	Volume III, Region 9
9.17.1	<p>The recommendation to list Aliso Creek for bacterial Indicators is questioned because:</p> <ol style="list-style-type: none"> 1. Use by RWQCB of USEPA criteria for Enterococcus and E. coli was inappropriate. 2. Listing for both fecal coliform and E. coli is duplicative and unnecessary. 3. Reliance on the Rec-1 beneficial use for the Creek should be limited because the water is shallow, limiting the likelihood of ingestion. 	<p>Listing Aliso Creek for bacterial indicators is appropriate. See also response to Comment 9.13.1.</p> <ol style="list-style-type: none"> 1. A review of the Basin Plan objective and Footnote 2 (Page 3-6, Water Quality Control Plan for the San Diego Basin [9]) indicates that application of the USEPA bacterial criteria is still appropriate in this case. 2. Comment acknowledged. Future SWRCB guidance for listing and de-listing will examine this issue in greater detail. 3. It is inappropriate to ignore or change water quality standards, including the Aliso Creek REC-1 use designation, during the 303(d) list process. See response to Comment 9.7.1. 	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.17.2	<p>The proposed listing for total phosphorus in Aliso Creek should be removed because:</p> <ol style="list-style-type: none"> 1. The Region 9 RWQCB used both stormwater and dry weather data from Orange County's NPDES monitoring. Impacts from stormwater events are limited. The Region 8 RWQCB recognized this. 2. Orange County failed to find chronic impacts from biostimulatory substances (like phosphorus) in the Creek. This was reported in the 205(j) report. 	See also response to Comment 9.13.2. Regardless of the fact that local authorities fail to identify deleterious conditions resulting from biostimulatory substances, the possibility of impairment to beneficial uses exists and is a viable threat.	No	
9.17.3	<p>Dana Point Harbor should not be listed for dissolved copper because:</p> <ol style="list-style-type: none"> 1. RWQCB inappropriately interpreted Orange County's NPDES stormwater monitoring data. 2. Data reported by RWQCB is inaccurate for the 1999-2001 period. 3. Recent data show copper concentrations consistently below the NOAA Probable Effects Level. 4. There is no significant sediment toxicity in Dana Point Harbor. 5. Some data reported, collected after a storm event in 2000, are (admittedly) erroneous due to lab error. This data should not be used. 6. Other storm-related data do not show exceedences. 	The RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) states, "it is likely that the [Dana Point Harbor] aquatic environment contains high dissolved copper concentrations...this type of anecdotal evidence must be considered and weigh strongly in favor of 303(d) listing."	No	
9.17.4	If the proper analyses were not performed, the proposed listing for bacterial indicators in Dana Point Harbor should be removed because the RWQCB did not evaluate this water body/pollutant combination relative to the Basin Plan objectives for fecal coliform. (Instead, the listing was based on beach closures, which use a different criterion.)	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.17.5	The proposed listing for bacterial indicators in Dana Point Harbor should be removed because the WQ objective is based on the median total coliform concentration throughout the water column. The RWQCB has apparently not carried out the appropriate analysis to determine this. Also, shellfish taken from Dana Point Harbor are probably used for bait, not human consumption.	See responses to Comments 9.17.4 and 9.20.13.	Yes	Volume III
9.17.6	Prima or Segunda Deshecha Channels should not be listed for phosphorus because Basin Plan WQ objectives for Rec-1 and Rec-2 beneficial uses are based on bacterial indicators, not on phosphorus, so the RWQCB's listing recommendation for phosphorus appears inappropriate.	While bacterial objectives may be implemented to protect REC-1 and REC-2 beneficial uses, so too should all other objectives based on other pollutant constituents. As stated in the RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1), both Prima and Segunda Deshecha Channels were found, through sampling, to have exceeded the Basin Plan objective for biostimulatory substances. As the Fact Sheet states, "These concentrations of phosphorus over the Basin Plan objective are expected to contribute to excess algae growth that may impair the REC1, REC2, WARM and WILD beneficial uses through the creation of odors, colors, increased turbidity and low dissolved oxygen environments."	No	
9.17.7	Prima and Segunda Deshecha Channels should not be listed for phosphorus and turbidity because both dry and wet-weather data were used, inappropriately (see comments on Aliso Creek). Only dry-weather data should have been used.	The RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) acknowledges that wet weather data were used. However, evidence from the rainy season is valid. See also responses to Comments 9.13.2 and 9.17.2.	No	
9.17.8	Prima Deshecha Channel should not be listed for turbidity because statistical procedures for (the dry-weather) lognormal data should have been used by the RWQCB.	See also responses to Comments 9.5.2 and 9.5.5. Standard descriptive statistics (e.g., means) were provided for the benefit of reviewers, and are not the only basis for judging if standards are exceeded.	No	
9.17.9	Segunda Deschecha Channel should not be listed for turbidity because "The mean dry-weather turbidity in Segunda Deschecha Channel between 1991 and 2000 was 15.1 NTU."	Please refer to the response for Comment No. 9.17.8.	No	
9.17.10	Prima and Segunda Deschecha Channels should not be listed for phosphorus because Orange County did not identify any algae growth that would "cause nuisance or adversely affect beneficial uses." The Channels are concrete-lined with minimal WARM and WILD beneficial use potential.	Basin Plan objectives are being exceeded and it is likely that beneficial uses are or may be impacted. Because objectives (i.e., "standards") cannot be achieved under current conditions, these water bodies should be listed.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.18.1	Prima Deshecha Creek should not be on proposed list, as RWQCB data indicate natural phenomenon (due to phosphorite geologic deposits).	The actual source of the elevated phosphorus is not yet known. If detailed investigations during the development of the TMDL indicate that a maximum load cannot be allocated, another course of action will be required. While the water body will remain listed as impaired, a TMDL may not be the appropriate course of action. These details will be clarified during the development of the Statewide Section 303(d) Listing Guidance. See also response to Comment 9.9.1.	No	
9.18.2	Segunda Deshecha Creek should not be on proposed list, as data indicate natural phenomenon (due to phosphorite geologic deposits).	See response to Comment 9.18.1.	No	
9.19.1	Proposed listing for Aliso Creek for toxicity is inappropriate because: <ul style="list-style-type: none"> - 205(j) study found no indication of low-flow toxicity. - 205(j) study found that storm-condition survival of test organisms was similar to that in headwaters affected by natural background toxicity. - Data was variable. Since more data will be forthcoming, conclusions are premature. - There is no information to definitively conclude that organophosphate pesticides are the cause of toxicity. - There is no evidence that the toxicity affects organisms in the Creek. 	See response to Comment 9.13.3. These opinions are contradicted by the RWQCB Staff Report Fact Sheet (see response to Comment 9.6.1) which states, "Water collected in September 1998, November 1998 and January 1999 for the Aliso Creek Water Quality Planning Study showed toxicity to juvenile fathead minnows and Ceriodaphnia dubia for the latter two sampling dates...In 11 of 20 toxicity tests, survival rates for both species were less than 70%, with 10 of those 11 having survival rates less than 50%. The average survival rate for juvenile fathead minnows was 79%, with a median of 85%. The average survival rate for Ceriodaphnia dubia was 22%, with a median of 0%. This toxicity data is direct evidence of the impairment to the WARM and WILD beneficial uses of this waterbody." Existing data is convincing enough to list Aliso Creek. If new data becomes available, the status of this water body for toxicity will be reconsidered.	No	
9.20.1	Supports use of 1998 list as basis for 2002 list.	Comment acknowledged.	No	
9.20.2	Supports proposal to add 21 water bodies/pollutants [in the San Diego Region] to the list. However, feels that additional water bodies should be added.	Comment acknowledged.	No	
9.20.3	Strongly supports delisting only if there is evidence water quality standards are achieved and beneficial uses are attained, not solely because a TMDL is implemented.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.20.4	<p>Watch list should be eliminated because:</p> <ol style="list-style-type: none"> 1. It is illegal. 2. CWA Section 305(b) requires that all water bodies be monitored. 3. Impaired waters should be on the 303(d) list, not a watch list. 	See response to Comment G.10.1.	No	
9.20.5	The Commenter is worried that waters will be "parked" (i.e., ignored) in the watch list. It is unclear when a water body will be placed into the watch list. A large percentage of water bodies on the State watch list are from Region 9, suggested that it has been an inappropriate substitute for 303(d) listing in Region 9.	See response to Comment G.10.6.	No	
9.20.6	The use of the irrelevant "source of the pollutant" and alternative enforceable programs" factors by the SWRCB in reviewing 303(d) list proposals is inappropriate.	See response to Comment G.10.9.	No	
9.20.7	SWRCB should include reasons for de-listing in the Staff Report (Volume I, Table 2).	Agree. The reasons for the de-listing in Region 9 were included in the Fact Sheets (see response to Comment 9.6.1).	Yes	Volume III, Region 9
9.20.8	Requests clarification of discussion in Volume I, page 5, on the "size affected" values. New data on size values should be summarized in a table for public review and comment.	See response to Comment G.10.15.	Yes	Proposed section 303(d) list
9.20.9	"Back-loading" completion dates, as was done with the 1998 Region 9 TMDL schedule, is inappropriate.	Comment acknowledged.	No	
9.20.10	Objects to failure by Region 9 to complete any TMDLs.	Comment acknowledged.	No	
9.20.11	Changes to beneficial use designations are inappropriate within the 303(d) listing process.	Agree. See also response to Comment 9.7.1.	No	
9.20.12	Water bodies should be listed despite a lack of "sufficient evidence," as listing should be based on "best available information."	While all data must be considered, it seems inappropriate to allow any data or information regardless of merit to affect the ultimate decision (to list or de-list). If this were allowed, any anecdotal information or hearsay could trigger the development of a TMDL, at a potentially significant cost to property-owners, dischargers, or local and State governments.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.20.13	Listing should occur even if the cause is sewage spills since: 1. Isolated spills may be evidence a chronic problem. 2. Even a one-time occurrence may damage beneficial uses [and hence justify listing].	Sewage spills are usually spatially-limited, one-time, accidental occurrences. The water quality problems that result are best handled via the NPDES permit enforcement processes. The use of the 303(d)/TMDL programs in these cases would be ineffective and too slow. Waters of concern subject to programs/permits with possible effective enforcement will be placed on an Enforcement Programs List (see response to Comment G.11.11).	Yes	Volume III, Region 9
9.20.14	Listing is necessary even if there are other programs that may address the problem because the CWA mandates listing and TMDLs regardless of the presence of other programs. Other program are therefore irrelevant to the listing process.	See response to Comment G.10.9.	No	
9.20.15	Virtually the entire San Diego River is impaired, and should be listed, not placed on the Watch List. Likewise, South San Diego Bay needs to be listed based on the "Deadly Power" report submitted to the RWQCB.	Regarding the San Diego River, see responses to Comments 9.1.1, 9.7.5, and 9.10.2. Regarding the south San Diego Bay, see response to Comment 9.2.2.	No	
9.21.1	Supports comments by San Diego County 303(d) Working Group.	Comment acknowledged.	No	
9.21.2	Only effluent data certified by a DHS-approved laboratory in accordance with ELAP protocols and standards should have been accepted in the listing process.	See response to Comment G.11.20.	No	
9.21.3	Supports use of the "Watch List" concept.	Comment acknowledged.	No	
9.22.1	Rainbow Creek was listed in 1998 due to eutrophication. TMDL was for nutrients. RWQCB has admitted that there is no eutrophication. Data is inadequate. Rainbow Creek should be removed from list, placed on Watch List for nutrients.	See response to Comment 9.6.1.	Yes	Volume III, Region 9
9.22.2	Proposed listings due to TDS may be due in part to elevated levels in Colorado River water imported to San Diego County. Proposed listings for TDS should be put aside.	See response to Comments 9.7.1. It is inappropriate to try to change or eliminate water quality standards, including Basin Plan objectives, within the context of the 303(d) process.	No	
9.22.3	The Commenter is concerned with reliance on small data sets and inadequate assessment. Many proposals should be on Watch List until next cycle.	See responses to Comments 9.5.2, 9.5.4, G.11.18, and G.11.21.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.23.1	The following beaches should be removed from the 1998 303(d) list due to insufficient initial (1998) data and new information showing no impairment. - Carlsbad City Beach at Carlsbad Village Drive - La Jolla Shores at El Paseo Grande - South Casa at Coast Boulevard - Windansea Beach at Vista del Playa - Windansea Beach at Playa del Norte - Windansea Beach at Palomar Avenue - Pacific Beach at Grand Avenue	See response to Comment 9.9.4 and 4.11.3.	Yes	Volume III, Region 9
9.24.1	Aqua Hedionda Lagoon should be added to 303(d) list due to infestation by <i>Caulerpa taxifolia</i> (invasive marine algae).	Agree. Agua Hedionda Lagoon (Region 9) and Huntington Harbour (Region 8) will not be added to the proposed section 303(d) list due to impacts by invasive, non-native species because this organism is not a pollutant. Please refer to the response for Comment No. 8.18.1.	No	
9.25.1	New data on phosphorus in Murrieta Creek provided.	See responses to Comments 9.3.1, and 9.3.2 through 9.3.5.	No	
9.26.1	Data are provided to show that there is no chronic impairment in Kellogg Street Beach and Shelter Island Shorelines Park due to high bacterial counts. Instead, infrequent sewage spills are causing the problem.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.301.1	Both San Diego Bay near Crosby Street Park and South Bay Power Plant areas should be added to 303(d) list. Comments in support of this from three community residents are provided.	See responses to Comments 9.2.1 and 9.2.2.	Yes	Volume III, Region 9
9.302.1	Thanks to staff, and for the 303(d) process, the ability to provide input, and for the time extension.	Comment acknowledged.	No	
9.302.2	The entire San Diego River should be listed.	See responses to Comments 9.1.1, 9.10.2, 9.12.4, and 9.20.15.	No	
9.302.3	South San Diego Bay near the south Bay Power Plant should be listed.	See response to Comment 9.2.2.	Yes	Volume III, Region 9
9.302.4	Does not support Watch List concept. Every State water body should, by law, be "watched."	See responses to Comments 9.20.4, 9.20.5, and G.10.1. See also responses to Comments 9.5.4, 9.5.8, and 9.21.3.	No	
9.302.5	RWQCB is behind in getting TMDLs scheduled and completed.	Comment acknowledged.	No	
9.303.1	List San Diego Bay near Crosby Street Park due to toxicity and chemical contamination.	See response to Comment 9.2.1.	Yes	Volume III, Region 9

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.303.2	Please list South San Diego Bay near the South Bay Power Plant due to impacts from hot water and chlorine.	See response to Comment 9.2.2.	Yes	Volume III, Region 9
9.304.1	The existing designation should be extended to encompass the water next to Crosby Street Park (San Diego Bay at Coronado Bridge), which is used by people fishing and swimming.	See response to Comment 9.2.1.	Yes	Volume III, Region 9
9.304.2	"Deadly Power" report was submitted to the record. RWQCB agrees that Duke Power is causing problems: discharges of hot water, chlorine, and copper to South San Diego Bay near the Power Plant.	See response to Comment 9.2.2.	Yes	Volume III, Region 9
9.304.3	Felicita Creek needs to be listed [for other constituents].	Refer to the 2002 RWQCB 303(d) List Staff Report and Fact Sheets (see response to Comment 9.6.1). The RWQCB carefully reviewed all available data provided. Felicita Creek is currently proposed to be listed for Total Dissolved Solids. If and when new data is provided during a future listing cycle for other pollutants of concern affecting the Creek, the State will consider additional appropriate listings.	No	
9.305.1	RWQCB asked that San Diego Bay Kellogg Street Beach, San Diego Bay Shelter Island Shoreline Park, and San Diego Bay Coronado be incorporated as changes. Request, instead, that these be new listings, since there was no WQ data collected on them in 1998.	See response to Comment 9.11.1.	No	
9.305.2	The San Diego Bay Coronado site should be renamed to "San Diego Bay Coronado Tidelands Park."	See response to Comment 9.11.2.	No	
9.305.3	San Diego Bay Kellogg Street Beach should be removed from 303(d) list, since impairment there is due to sewage spills, which can best be regulated in other ways.	See responses to Comment 9.11.3 and 9.20.13.	No	
9.306.1	RWQCB inappropriately and inaccurately summarized 1998/99 toxicity data for Aliso Creek. First, no toxicity was demonstrated for juvenile fathead minnows in the 205(j) study. Second, results of the Ceriodaphnia data were inconclusive. Thirdly, the RWQCB misrepresented what the 205(j) study said about the organophosphate pesticide contribution to observed toxicity. Lastly, additional data will be forthcoming under new NPDES permit requirements. This water body should be on the Watch List.	See response to Comment 9.13.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.307.1	Rainbow Creek has faulty designation on 303(d) list. RWQCB listed Creek for eutrophication, but changed the impact to nutrients for the TMDL. Current listing should be changed [to nutrients?].	Agree. See response to Comment 9.6.1.	Yes	Volume III, Region 9
9.307.2	Listing for nutrients in Rainbow Creek is inappropriate. No load and waste load allocation data are available. Should be on Watch List for nutrients.	See response to Comment 9.6.1.	No	
9.308.1	San Luis Rey Watershed should not be listed for TDS and chlorides because: <ul style="list-style-type: none"> - primary source of TDS/chlorides is from imported water (from Colorado River). - Metropolitan Water District water sold throughout the county is 467-600 ppm (salt?/TDS?). - The Basin Plan objective is only 500 ppm. - This listing will significantly affect agriculture in the watershed. 	See response to Comment 9.7.1.	No	
9.309.1	Disagree with listing 11 San Diego County water bodies for TDS. The Basin Plan objectives (e.g., 500 mg/l) are inappropriate. A discussion of the history of these objectives, the inconsistency with groundwater objectives, and other information is provided.	See response to Comment 9.7.1.	No	
9.310.1	Groundwater and surface water in the County are interconnected. But the Region 9 surface water quality objectives (500 mg/l) for TDS are much lower than that for groundwater (1500 mg/l). Imported water, salt water intrusion, and agricultural practices cause TDS in water near the coasts to rise above 1500 mg/l. Also, precipitation (or lack thereof) causes higher TDS concentrations. The proposed TDS listings should be removed.	See response to Comment 9.7.1.	No	
9.311.1	There will be significant ramifications if listing for San Diego water bodies for TDS proceeds. Implementation of TMDLs for TDS will result in harm, not enhancement, of beneficial uses.	See response to Comment 9.7.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.312.1	RWQCB's use of annual beach closure and advisory reports is inappropriate. No differentiation between beach closures due to sewage spills and chronic indicator species was made. Sewage spills are best handled through other means, not the 303(d) list process. For listing, actual bacterial indicator data should be collected and assessed. These three beaches (San Mateo Creek outlet, Bermuda Avenue/Ocean Beach, Kellogg Street Beach) should not be listed.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.313.1	Concerning Diazinon in Agua Hedionda Creek, RWQCB reviewed admittedly faulty data (6 data points total), some with poor QA/QC (4 data points), some non-detectable (2), some below the detection limit (4), and some violated USEPA protocols. One data point was acceptable, and it gave a non-detection result. Also, there was no toxicity data analyzed. This water body/pollutant combination should be removed from the proposed list until further data can be collected.	Agree. Agua Hedionda will be placed on the Monitoring List for diazinon.	Yes	
9.314.1	Need for weight of evidence approach for 303(d) listing.	Comment acknowledged.	No	
9.314.2	Need for scientifically-based analysis of data submitted for 303(d) listing consideration.	Comment acknowledged.	No	
9.314.3	Need for proper comprehensive assessment of data, including application of appropriate QA/QC requirements and use of valid statistical protocols.	Comment acknowledged.	No	
9.314.4	The RWQCB should rely on adequate spatial and temporal data in an order to make proper decisions. It did not do so with San Mateo Creek outlet, Bermuda Avenue, and Kellogg Street Beaches. These were based on closures due to known sewage spills, not on chronic indicators.	Agree. See response to Comment 9.20.13.	No	
9.314.5	Santa Margarita River and the lower San Diego River should not be listed for phosphorus. Likewise Cloverdale Creek and upper Lake Hodges were inappropriately recommended for the Watch List due to phosphorus.	See responses to Comments 9.3.6 along with 9.3.1 to 9.3.4; 9.7.5; 9.1.1; and 9.10.2.	No	
9.314.6	Agua Hedionda Creek should not be listed for Diazinon. The Watch List, instead, is recommended.	See responses to Comments 9.5.10; 9.7.10; and 9.12.5.	No	
9.314.7	Future listing should follow Storm Water Quality Task Force guidelines for putting impaired waters on a watch list, including considering WQ objectives, chemical/physical determinations, toxicity effects, and community alterations.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.314.8	The Watch List is appropriate when weight-of-evidence has not been established.	Comment acknowledged.	No	
9.315.1	Request that listing be based on monitoring data, not on closure or advisory actions that the County takes.	See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.315.2	Phosphorus-based listings should be based on good science.	Comment acknowledged.	No	
9.315.3	The proposed listing for Forester Creek for pH should not be accepted. Various conditions at the site (e.g., high temp, photosynthesis, concrete conveyance) drive up pH. Also, field-screening data is subject to variability and should not be the sole basis for this listing.	The explanation for harmful deviations to pH levels does not remove the need to list water bodies impaired due to high or low pH (please also refer to the response for Comment No. 4.26.4). Furthermore, the existing water quality objective for pH cannot and should not be altered or removed during the 303(d) listing process. For more on this, see response to Comment 9.7.1.	No	
9.316.1	State should take an extremely conservative approach on listing for 2002.	Comment acknowledged.	No	
9.316.2	Supports Watch List.	Comment acknowledged.	No	
9.316.3	Bacterial standards ought to be standardized before any water bodies are listed for coliform, etc. Aliso Creek and Dana Point Harbor mentioned.	See response to Comment 9.7.1.	No	
9.316.4	Concerning Aliso Creek, Prima and Segunda Deshecha watersheds (south Orange County), reliance on total phosphorus numbers should be replaced with focus on dry-season data.	See responses to Comments 9.13.2, 9.17.2, 9.17.6, 9.17.7, 9.17.10, 9.18.1, and 9.18.2.	No	
9.316.5	Dana Point Harbor should not be listed for copper, as proposal is based on "misrepresented sediment data."	See responses to Comments 9.5.3 and 9.17.3.	No	
9.316.6	San Onofre Beach and San Mateo Creek Beach should not be listed due to sewage spills.	Agree. See response to Comment 9.20.13.	Yes	Volume III, Region 9
9.317.1	Area TDS exceedences are due primarily to imported Colorado River water high in dissolved salts	See response to Comment 9.7.1.	No	
9.318.1	500 mg TDS standard will significantly impact the San Diego County Water Agency's ability to perform its tasks and supply the County's water needs.	See response to Comment 9.7.1.	No	
9.319.1	Support the proposed de-listing of Pacific Ocean Shoreline (Coronado Beach).	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
9.319.2	Designation should be defined specifically for the Tidelands Park area, rather than the whole of San Diego Bay Coronado. Only 2/10 of a mile was impaired (not the entire 4/10 mile stretch).	See responses to Comments 9.2.1 9.8.2, and 9.11.2.	No	
9.319.3	There is no data to support a listing for the South San Diego Bay (near Power Plant).	See response to Comment 9.2.2.	No	
9.320.1	Total phosphorus listings should be removed for these two water bodies (upper Santa Margarita River, lower San Diego River) because: - Alternative enforceable strategy for biostimulatory substances (Chapter 4 of Basin Plan) was ignored by SDRWQCB. - Received additional data from Rancho California Water District.	See responses to Comments 9.3.1 to 9.3.9, 9.1.1, 9.10.2, and G.11.8.	No	
9.320.2	Supporting data are not spatially representative (Lake Hodges, temporally representative (Cloverdale Creek), or adequate in size (Cloverdale Creek).	See responses to Comments 9.7.2 and 9.12.3.	No	
9.320.3	The "one size fits all" 0.1 mg/l total phosphorus standard is inappropriate.	See response to Comment 9.7.1.	No	
9.320.4	Recommends combination of techniques along with total phosphorus to evaluate impairment by phosphorus (e.g., orthophosphate, algae, DO).	Comment acknowledged.	No	
9.320.5	More rigorous statistical approach should be used.	Comment acknowledged.	No	
9.321.1	Supports Watch List with the following attributes: - watch-listed water bodies stay on list only 2 years, and - if insufficient data is collected in that period, automatic 303(d) listing.	See responses to Comments G.10.1 and G.11.11.	No	
G.1.1	This was a comment letter sent to the Regional Boards. These comments are contained in letter G.13 to the State Board.	Please refer to the responses for Comment Letter G.13.	No	
G.2.1	This was a comment letter sent to the Regional Boards. These comments are contained in letter G.13 to the State Board.	Please refer to the responses for Comment Letter G.13.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.3.1	Support your proposed revisions of the federal Clean Water Act (CWA) section 303(d) list and ask you move it along to the phase of reducing pollutants reaching our waterways.	Comment acknowledged.	No	
G.4.1	Support your proposed revisions of the federal Clean Water Act (CWA) section 303(d) list and ask you move it along to the phase of reducing pollutants reaching our waterways.	Comment acknowledged.	No	
G.5.1	Support your proposed revisions of the federal Clean Water Act (CWA) section 303(d) list and ask you move it along to the phase of reducing pollutants reaching our waterways.	Comment acknowledged.	No	
G.6.1	Applicable law and good policy require the State Board to consider all relevant information in making decisions with respect to the 2002 Section 303(d) List of impaired waters. The State Board should accept and reasonably consider such information that may be presented to the State Board on or before the public hearings scheduled in May 2002.	The solicitation of data and information to support the development of the 2002 section 303(d) list was extended to June 15, 2002. All data and information submitted were considered by the SWRCB.	No	
G.7.1	To comprehensively evaluate "impairment" to a water body, one should first ensure the appropriate beneficial use designations have been assigned to the location. The existing basin plan beneficial use designations appear to have been established in 1994. A re-evaluation of the beneficial use designations should occur prior to consideration of water quality data that may ultimately lead to modifications to the 303(d) List.	Please refer to the response for Comment No. 9.7.1.	No	
G.7.2	At a minimum, each group and/or agency contributing data for the 303(d) List process should be operating under the guidelines and protocols of a QA/QC Plan for their monitoring programs. Collection of a grab sample as opposed to a composite sample and collection of a time-weighted or flow-proportional sample should have been considered, with the data qualified accordingly. Grab samples should not be relied upon or weighted as heavily as composite, flow-proportional samples.	For the 2002 section 303(d) list proposals, all readily available data and information were analyzed on a case-by-case basis. The SWRCB reviewed the data and information using 13 different categories, nine of which were related to types, amounts, and quality of the data. The factors presented by the commenter were considered in developing the list proposals.	No	

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G.7.3	In the case of Calleguas Creek R9A, 111 water samples were collected, 15 samples exceeded Basin Plan water quality objectives, and the site will now be listed as "impaired" for nitrate. A similar case exists for Calleguas Creek R9B where foam was identified in one photograph and this site is now being placed on the "watch list" and possibly considered for listing. Statewide standardized protocol should be developed and followed for the evaluation of data and the consideration for 303(d) listing/de-listing.	Please refer to the response for Comment No. G.8.3.	No	
G.7.4	Supports efforts to improve water quality through TMDLs providing waste load allocation and implementation schedules are realistic and achievable.	Comment acknowledged.	No	
G.8.1	Supports staff's recommendations to develop and place certain water bodies on a Watch List instead of adding them to the 303(d) list when there is insufficient data to determine a water body's status.	Comment acknowledged.	No	
G.8.2	The Task Force strongly recommends that the State Board assign a high priority to the completion of the proposed Water Quality Control Policy.	Please refer to the response to Comment No. G.8.3.	No	
G.8.3	The Policy should facilitate the use of alternative mechanisms such as Water Quality Attainment Strategies that might help maintain beneficial uses without the time, energy and expense related to TMDL development.	The SWRCB is required by Water Code section 13191.3 to prepare the Policy by July 1, 2003 and to approve the Policy by January 1, 2004. Staff are assigned to complete this Policy.	No	
G.8.4	The policy should address the translation of narrative water quality objectives into numeric standards upon which TMDLs could be based. In this regard, the weight of evidence approach should be evaluated and guidance provided for its use.	Please refer to the response for Comment No. G.8.3.	No	
G.8.5	The Policy should provide guidance and criteria for removing an impaired waterbody from the 303(d) list if a TMDL, Implementation Plan, or some other implementation process has been adopted. The waterbody could then be added to the Watch list or to a separate implementation list so that progress could continue to be monitored.	Please refer to the response for Comment No. G.8.3.	No	
G.8.6	The Policy should provide for a major re-evaluation of appropriate beneficial uses and water quality objectives in all Basin Plans.	Please refer to the response for Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.8.7	The Policy should identify the data standards required to place water bodies on the 303(d) list or the Watch List so that decisions place water bodies on these lists are based on consistent data standards statewide.	Please refer to the response for Comment No. G.8.3.	No	
G.8.8	The Policy should provide guidance that water bodies listed for pollution or general impairment of beneficial uses be placed on the Watch List until specific pollutants have been identified and sufficient data collected to evaluate assimilation capacity and properly determine load allocations, waste load allocations, and other parameters needed to establish a TMDL.	Please refer to the response for Comment No. G.8.3.	No	
G.8.9	The policy should provide for the reassessment of legacy listings because a number of old listings have been continuously carried forward (e.g. organochlorine pesticides, PCBs) even though the original bases have changed and/or supporting data are lacking. For example, some of the old waterbody/pollutant combinations on the 1998 list might best be moved to the Watch List so that the scientific basis and rationale for which they were originally listed can be re-confirmed.	Please refer to the response for Comment No. G.8.3.	No	
G.9.1	Concur with the SWRCB staff recommendations to establish a "Watch List" of water bodies where the information and available data are insufficient to warrant placement on the 303(d) list or where an alternative program is in place to address the impairment. We support the recommendations to place waters on the "Watch" List rather than the TMDL Development List when the cause of impairment, or stressor, is not known.	Comments acknowledged.	No	
G.9.2	Support the de-listing of waters where impairment is due to natural conditions.	Comment acknowledged.	No	
G.9.3	Support de-listing where data show no impairment of beneficial uses. In some cases, beneficial uses are not impaired even though water column or other measurements show exceedances above a water quality criterion. We support the recommendations to de-list water where the weight of evidence shows no actual impairment.	Comment acknowledged.	No	
G.9.4	Support de-listing water where the listings were based on Elevated Data Levels.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.9.5	Support the recommendation that waters be listed based on water-body-specific information.	Comment acknowledged.	No	
G.9.6	Support the proposed exclusion of listings where no QA/QC procedures were used.	Comment acknowledged.	No	
G.9.7	Support the development of a "TMDLs Completed" List.	Comment acknowledged.	No	
G.9.8	Specific listings carried over from the 1998 List should be re-evaluated to ensure consistency and fairness in the listing process. The SWRCB should review, at a minimum, those 1998 listings that have been identified in the individual comment letters as warranting de-listing or placement on the "Watch" List, and those for which development of a TMDL is planned in the next several years.	Please refer to the response for Comment No. G.11.12.	No	
G.9.9	Listing should not be based on exceedances of draft guidance or informal criteria that are not adopted water quality objectives.	<p>In order to evaluate if narrative water quality objectives were attained, the RWQCBs and SWRCB used available defensible criteria to assess quantitatively if there was the potential for standards to be exceeded. Specific evaluation values were used depending on the beneficial use, applicability of the evaluation values, previous use of the criteria, and other factors. Draft guidance were only used in circumstances when no other criteria were available and the scientific foundation and application of the criteria were not in question.</p> <p>The assessment methodology has been modified to better explain how the evaluation values were used to interpret narrative water quality objectives.</p>	Yes	Volume I, Methodology Used to Develop the List
G.9.10	Water bodies should not be included on the TMDL development list based upon inadequate data. The draft 2002 303(d) List still includes several examples of proposed listings that are based on a single sample, or on very limited data, such as a small number of samples, or data that are not temporally or spatially representative. This issue is exacerbated because there are no guidelines or requirements for a minimum number of sampling events or frequency of exceedances to declare a water body impaired.	Please refer to the response for Comment No. G.11.23.	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.9.11	Water bodies should be placed on the "Watch" List where site-specific objectives are being developed.	Water body pollutant combinations should remain on the section 303(d) list until a TMDL is completed (40 CFR 130.7(b)(1)) or there is good cause to remove it from the list (40 CFR 130.7(b)(6)(iv)). Once site-specific water quality objectives are approved and it is determined that the water quality standards are attained, it is then appropriate for the water body pollutant combination to be removed from the section 303(d) list.	No	
G.10.1	The Watch List and the TMDL Completed List function to delist water segments from the 303(d) list. The SWRCB staff report states that both lists "should not be considered part of the Section 303(d) list". In addition the 177 water segments on the Watch List plus the 70 water segments being delisted totals 247 water segments delisted. This outweighs the 195 additions. These actions, on the whole, weaken efforts to attain water quality standards in California. At a minimum the Watch list and the TMDL Completed List should be considered part of the Section 303(d) List.	<p>Partially agree. In the draft staff report the "Watch List" was used for multiple purposes. The proposed additions to the list have been reorganized to acknowledge the status of water bodies that do not meet water quality standards. It is impossible to determine if standards are not met if the available data and information if, in the judgement of the SWRCB on a case-by-case basis, the data and information are equivocal or insufficient to support a decision to list. Waters with insufficient data shall be place on a "Monitoring List." The National Academy of Sciences' National Research Council ("assessing the TMDL Approach to Water Quality Management," 2001 National Academy Press, Washington, D.C.) strongly recommended that a concept similar to a "Monitoring List" be used for 303(d) listing, albeit with a limit set on the length of time a water body should remain "preliminary." The waters on this list shall be the SWRCB's and RWQCB's highest priority for monitoring. The RWQCBs should use these priorities for implementing the site-specific monitoring portion of the Surface Water Ambient Monitoring Program and, to the extent possible, use other authorities to obtain the needed data.</p> <p>Using the USEPA Integrated Report Guidance (USEPA, 2001), the SWRCB has reorganized the recommendations for waters where standards are not met. Using this guidance and federal regulations, water bodies that do not still require a TMDL can be removed from the section 303(d) list.</p> <p>The TMDL Completed List contains only water bodies where the TMDL has been developed and an implementation plan has been approved.</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.10.2	Placing water segments on a separate Watch List or a TMDL Completed List has collateral impacts on resources, such as federal grants for monitoring and restoration that are linked to water segments on the Section 303(d) list.	Even though the section 303(d) may be used to help set priorities for grant funds, the section 303(d) list is developed to determine which water bodies need TMDLs. The section 303(d) list is intended to identify segments of waters bodies that do not meet water quality standards and subsequently develop TMDLs for those segments where TMDLs are still required.	No	
G.10.3	It is not clear why the SWRCB decided to place water segments on the Watch List when the Regional Board proposed listing the water segments on the 303(d) List. The SWRCB must articulate a sound reason for not listing the 23 water segments on the 303(d) List.	The reasons for not listing waters are presented in the fact sheets for each water body-pollutant combination.	No	
G.10.4	The SWRCB cannot list waters on the Watch List because of other existing "Regulatory Programs". The decision to place water segments on the Watch List because of the alleged existence of other water quality program, such as the BPTCP, is directly contrary to the law. Section 303(d) and its implementing regulations do not provide for a separate list of water segments where there is a regulatory program in place to control the pollutant but data are not available to demonstrate that the program is successful. The very existence of such a program is proof of the fact that effluent limitations through other regulatory programs are not stringent enough to implement any water quality standards.	Please refer to the response for Comment No. G.11.11.	Yes	Volume I, Methodology Used to Develop the List
G.10.5	The SWRCB recognizes that repeated testing and monitoring must be conducted to determine if the water segment is no longer impaired. However, there is no discussion of funding for monitoring and testing. The State must address funding for monitoring and testing in order to assure the accuracy of the Section 303(d) list.	Please refer to the response for Comment G.10.1.	Yes	Volume I, Methodology used to develop the List.

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.10.6	There are no guidelines on what "insufficient information" means when it is given as the reason for listing a water segment on the Watch List.	<p>Each recommendation to list waters or to remove waters from the section 303(d) list was based on a case-by-case assessment of the data and information in the administrative record. Many decisions to not list because of insufficient data or information was based on the collective review of the available data. For example, if only one sample was used in the assessment the recommendation was to usually not to list the water body. Generally, if more than one sample was available and the sample integrated environmental conditions (such as chemical concentrations in edible fish tissue) then the samples would be used as support for a recommendation to list.</p> <p>The assessment methodology has been modified to require that the reason for placement on the Monitoring List must be articulated.</p>	Yes	Volume I, Methodology Used to Develop the List
G.10.7	The TMDL Completed List is contrary to the CWA. There is no basis in the CWA for delisting a water body simply because a TMDL has been written. Section 303(d) of the Act mandates that impaired water segments be listed; it does not grant EPA authority to allow states to remove water segments from the list while impairment is continuing. It is therefore improper to place water segments on the Completed TMDL List unless the Regional Board, the State Board and U.S.EPA determine that the water segments are attaining water quality standards.	The basis for removing waters after a TMDL is completed is contained in the USEPA Integrated Report Guidance. Please also refer the response for Comment No. G.10.4.	Yes	Volume I, Methodology Used to Develop the List
G.10.8	Volume I, Table 2 contains a list of proposed deletions from the 1998 303(d) list, however, the table does not provide the basis for these deletions. We request that the SWRCB add a column to the table that briefly describes the reason for delisting; these reasons should be made readily available to the concerned public.	Agree. The table has been modified as recommended.	Yes	Volume I, Table 2

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G.10.9	Volume I, Page 4 lists factors that SWRCB staff considered in making listing/delisting considerations. Included on this list are "sources of pollutants" (#12) and "availability of an alternative enforceable program" (#13). Such variables may be interesting as background data, but cannot be used to decide whether to list a water body, since they are completely irrelevant to whether a body is impaired.	<p>Items 12 and 13 are not need to determine if standards are met. The information presented in Items 12 and 13 is needed to assess which administrative or regulatory response could possibly address the problem. Once it is determined that standards are not met, the decision needs to be made on what is the best general approach for addressing the problem. For example, TMDLs should only be developed in those circumstances where it is the best tool to attain the overall goal of clean water (i.e., when a pollutant potentially causes the problem and there is not an enforceable program that can address the problem). The assessment methodology has been modified to better explain how these factors were used.</p> <p>The goal should be effective water quality control by the best means possible. Listing a water body for eventual development of a TMDL when an adequate regulatory program is already available to alleviate the problem is unnecessarily expensive, duplicative, and a waste of limited resources. SWRCB Policy on 303(d) listing will address these concerns more fully before the next 303(d) listing cycle begins.</p>	Yes	Volume I, Methodology Used to Develop the List
G.10.10	It is unclear if the delisting of water segments based on EDLs only eliminates the TMDL requirement as it relates to assuring healthy fish tissue in the segment, or if the delisting applies more broadly and eliminates the TMDL requirement for the pollutant in the entire water segment. Specifically, we are concerned about 36 water segments proposed for delisting based on EDLs in Region 4.	Please refer to the response for Comment No. G.10.11.	No	
G.10.11	We do not believe it is proper in the context of Section 303(d) to delist water segments that were originally listed based on EDLs unless affirmative information is proffered to show that the water segment is not, in fact, impaired. Delisting water segments based on new or informal perspective on the utility of EDL information, alone, and without considering other data and information regarding that water segment, is improper under the CWA.	These waters are proposed to be removed from the section 303(d) list because the original listing was based on faulty guideline values. EDLs are calculations of the concentration of chemicals in fish tissue. These values provide a way to compare the observed concentration to percentile ranks of all measurements for the chemical. The EDL is not related in any way to measuring impact on beneficial uses such as fish consumption or aquatic life protection. EDLs do not provide any indication of the safe level and should not be used in any way to assess impacts on beneficial uses or attainment of water quality standards.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.10.12	We are concerned that delistings based on outdated NAS guidelines, no guidelines, or no defensible guideline are improper delistings considering the CWA and its implementing regulation. Similarly, the delisting fact sheets do not provide a statement of "good cause" for not including these water segments on the Section 303(d). Nor is there any other information or data that may reveal whether the water segments remain impaired.	If water body-pollutant combinations are listed because the interpretation guideline is not supportable then it seems there is no basis on which to put or keep the water body segment on the list. If the basis for listing is not defensible then the decision to maintain the listing is not defensible. NAS guidelines were published in the USEPA document: Water Quality Criteria 1972 ("Blue Book"). To SWRCB staff's knowledge, these values are valid and, until replaced by other interpretative guidelines, should be used to help interpret narrative water quality standards.	No	
G.10.13	It is not clear why there are no guidelines for water segments delisted for no guidelines or guidelines no longer defensible.	Please refer to the response for Comment No. G.10.12.	No	
G.10.14	It is unclear why NAS guidelines are outdated. If the NAS guidelines are outdated, it is unclear if there are other guidelines or data available regarding the impairment of the water segments.	Please refer to the response for Comment No. G.10.12.	No	
G.10.15	We request clarification of the discussion in Volume I, page 5 regarding how the "size affected" values for the 1998 303(d) list may be changed in the 2002 list because of new GeoWBS data. There is no summary of these changes in the public documents. We request that in order to increase transparency in the process, these changes be summarized in a table in order to have meaningful public review and comment.	The requested information has been included in the proposed section 303(d) list. The list will be attached to the draft resolution considered by the SWRCB.	Yes	Proposed section 303(d) list
G.10.16	We are concerned about the SWRCB proposed actions to list impaired waters segments on three separate lists: the Watch List, the Section 303(d) List, and the TMDL Completed List. The use of three lists runs contrary to the CWA and implementing regulation.	Please refer to the response for Comment G.10.1 and G.11.11.	No	
G.11.1	We support the State's proposed approach of continuing past listings identified in the final 1998 Section 303(d) list unless new data or information provides an analytical basis for removing or modifying a listing.	Comment acknowledged.	No	
G.11.2	We appreciate the State's commitment to provide multiple opportunities for public participation in the listing process, including the data and information solicitation process and public comment and hearing process to invite feedback on the proposed list and priority rankings.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.3	We support the State's efforts to assess unconventional data and information types, including sediment, fish tissue and recreational advisories, as part of the assessment process.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.4	Documentation of the basis for listing decisions must be improved. Some listings provide insufficient information describing the data and information considered and the basis for the listing decision.	<p>All existing readily available data and information was considered in developing the recommendations for the section 303(d) list. In most cases the RWQCB and SWRCB documented the review by developing fact sheets for water bodies even if listing or delisting was not recommended. Based on preliminary assessment of the data and information, fact sheets for some data sets were not prepared if a listing or delisting recommendation was not made.</p> <p>The SWRCB and RWQCBs assembled and considered data and information from numerous sources including: the information in the section 305(b) report; reports of water quality problems from individuals and groups; data from federal programs (including U.S. EPA's Environmental Monitoring and Assessment Program, U.S. Bureau of Reclamation, U.S. Forest Service, USGS, etc.); available data from Southern California Bight Project (SCCWRP), data from SWRCB and RWQCB monitoring efforts (including BPTCP, SWAMP, Division of Water Rights, CCAMP, TSMP, SMWP, CFCP, etc.); data from SFEI Regional Monitoring Program, data from other State agencies (including Department of Pesticide Regulation, DFG, OEHHA, DWR, etc.); County health department monitoring data; NPDES monitoring data; watershed sanitary surveys; published reports of water quality conditions; data from citizen monitoring efforts; and other sources of data).</p> <p>The SWRCB and RWQCBs were unable to obtain, and did not rely upon drinking water source assessments because:</p> <ol style="list-style-type: none"> 1. No drinking water source assessments were located during staff's search of data and information sources within their offices, 2. The drinking water source assessments have not been publicly released by the Department of Health Services and are therefore not readily available to the Boards at this time; and 3. Staff understand that these assessments are not based on analysis of water quality data and are instead based on assessments of water intake vulnerability to pollutant contamination based on the existence of potential pollutant sources adjacent to upstream water bodies. As a result, the assessments are unlikely to be very useful for the purpose of identifying waters that do not meet water quality standards. 	Yes	Volumes II and III

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		<p>The SWRCB and RWQCBs considered but did not rely upon data in the Toxic Release Inventory (TRI) because the TRI includes data on toxic pollutant releases to the environment, not the concentrations of these pollutants in individual receiving waters. Therefore, the data contained in TRI are unlikely to directly assist in determining whether a water body currently meets or exceeds applicable water quality standards.</p> <p>Many of the proposed listing recommendations have been expanded to include more detailed explanations.</p>		

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.5	Waters impaired due to naturally occurring pollutant sources need to be listed. The cited language from the Basin Plans does not appear to provide a natural sources exclusion. The State needs to provide a more substantial rationale for not listing these waters or include them on the 303(d) list.	<p>Most Basin plans address naturally occurring pollutant concentrations. For example, the North Coast Basin Plan states: "Controllable water quality factors shall conform to the water quality objectives contained herein. When other factors result in the degradation of water quality beyond the levels or limits established herein as water quality objectives, then controllable factors shall not cause further degradation of water quality." The Basin Plan goes on to define controllable sources: "Controllable water quality factors are those actions, conditions, or circumstances resulting from man's activities that may influence the quality of the waters of the State and that may be reasonably controlled."</p> <p>In developing the proposals for the 2002 section 303(d) list, if it was documented that natural conditions caused exclusively a segment of a water body to be considered a water quality limited segment then the segment was not listed.</p> <p>Generally the documentation must address the natural source(s) of the chemical and explain why human causes can be ruled out as the cause of the water quality limited segment. Human-caused sources (i.e., "waste" as defined in Water Code Section 13050(d) or "pollution" as defined in Water Code section 13050(l) and 40 CFR 130.2(c)) can generally be ruled out where the excursions beyond standards would occur in the absence of the human-caused sources.</p> <p>For example, the densities of fecal and total coliform in urban runoff can come from natural and human sources. It is not possible to determine apriori without site-specific study if the source is not a result of human activity. Consequently, it is appropriate for these waters to be listed and the portion of the contamination due to natural sources be determined during the development of the TMDL.</p> <p>Another example is metal concentrations in some saline and geothermal waters. Because of its geological history, the Lahontan Region has a number of water bodies with concentrations of salts and/or toxic trace elements such as arsenic which exceed drinking water standards or criteria for protection of freshwater aquatic life and wildlife. These waters include inland saline (desert playa) lakes and geothermal springs. Past state and federal guidance led to listing of a number of Lahontan Region waters which are</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		<p>"impaired" only by natural sources. A scientific literature review by the RWQCB staff on saline and geothermal waters shows that these waters are unique ecosystems with their own degree of physical, chemical, and biological integrity, and support aquatic life and wildlife adapted to extreme environmental conditions. These waters should not be judged to be not meeting water quality standards on the basis of freshwater aquatic life criteria.</p> <p>USEPA (1997) guidance for the development of site specific aquatic life criteria acknowledges that: "For aquatic life uses, where the natural background concentration for a specific parameter is documented, by definition that concentration is sufficient to support the level of aquatic life expected to occur naturally at the site absent any interference by humans."</p> <p>The Lahontan Basin Plan (page 3-2, "Prohibited Discharges") recognizes that not all factors affecting water quality may be controllable. It states: "After application of reasonable control measures, ambient water quality shall conform to the narrative and numerical water quality objectives included in this Basin Plan. When other factors result in degradation of water quality beyond the limits established by these water quality objectives, controllable human activities shall not cause further degradation of water quality in either surface or ground waters."</p> <p>For the above reasons, several water body-pollutant combinations are proposed to be removed from the section 303(d) list because the excursions beyond standards occurs in the absence of any human-caused sources. Also, several waters are recommended for listing even though a portion of the identified pollutant(s) are probably of natural origin because there is a high potential for human-caused sources to contribute to the excursion above standards.</p>		

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.6	The State must document how it considered and listed "threatened waters". Federal regulations require the listing of threatened waters, and EPA's 1997 and 2001 listing guidance documents describe how this requirement should be addressed.	<p>California considered all data and information in developing the proposed list. At present the State has no specific approach for listing waters based on threats to water quality. All of the recommendations made for listing are based on either impacts on beneficial uses or water quality standards not being attained. Establishing a consistent value or approach to trigger listing based on threatened status is difficult. We generally equate threatened waters with declining trends in water quality. Trends are difficult to interpret in any case. At present, no listings are proposed on trend data where standards are met. In 2002, all of the new listing recommendations are based on data exceeding standards a percentage of the time or on the weight of available information.</p> <p>Prediction of trends is tricky because of the influence of changing analytical methods, detection limits, method accuracy and precision, data evaluation, spatial and temporal variability, etc.</p> <p>The State's policy for addressing trends and threatened waters will be developed as part of the listing/delisting policy. Several factors should be considered when developing this policy on interpreting trends in water quality including:</p> <ul style="list-style-type: none"> o Minimum number of sampling periods (days, months, years, etc.) for trends o Specific conditions for using trend analysis o Statistical approaches for evaluating trend data o Methods for considering: Seasonal effects, Interannual effects, changes in monitoring methods, changes in analysis of samples, etc. 	No	
G.11.7	The rationales for excluding many waters (including many waters on the "watch" list) from the Section 303(d) list must be explained. Please provide a clearer explanation of how these water were assessed and the State's rationale for not including them on the 303(d) list.	Agree. The staff report has been changed in many sections to explain why waters were placed on the various lists.	Yes	Volumes II and III

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.8	Decisions not to list waters based on the presence of other control programs must be justified. The State must describe how these other control programs will result in attainment of standards in a reasonable period of time, or list these waters if this description cannot be provided.	<p>Many existing water quality control programs have the same goal as a TMDL: to reduce pollutant loadings to levels where water quality standards are met. These programs will likely allow for the attainment of water quality standards before a TMDL is established or because the programs are the only mechanism for implementing controls necessary to meet wasteload and load allocations that would be contained in a TMDL. Developing a TMDL in addition to the alternate program seems to be a duplication of effort and should be avoided whenever possible.</p> <p>In order for a water quality control effort to serve as a substitute for a TMDL it is necessary for the effort to be enforceable now (without modification), funded, required, a demonstrated record of voluntary compliance, or included in a basin plan, statewide plan, or water quality control policy. The program must also show demonstrated implementation of measures to correct the water quality problem.</p> <p>Several commenters disagreed with the use of various existing programs in lieu of a TMDL. For each of the programs that have been recommended instead of a TMDL, the SWRCB staff has provided the rationale. The explanation for using alternate enforceable programs has been included in the methodology for developing the list. The programs addressed are (1) the BPTCP Consolidated Cleanup Plan, (2) storm water permits, and (3) Enforcement.</p>	Yes	Volume I, Methodology Used to Develop the List
G.11.9	The basis for priority ranking and targeting decisions must be described. The final listing report must explain in more detail how these decisions were made.	The qualitative process for assigning priorities is presented in the staff report. The decision to establish priority is based on a case-by-case assessment of the factors listed.	No	
G.11.10	We are concerned that the proposed 2002 listing decisions do not include schedules for developing TMDLs for all its listed waters. The State Board should adopt firm schedules for all listed waters in order to increase the level of accountability at the State Board level for TMDL program performance, and to provide a clearer indication to the public when TMDLs will be legally adopted by the State.	The proposed section 303(d) list contains ranking for all water body-pollutant combinations and identifies those waters targeted for TMDL development in the next two years (before 2004) as required by 40 CFR 130.7(b)(4). Projections of TMDL completion beyond two years are speculative and subject change between listing cycles.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.11	The state should follow EPA's 2001 Integrated Report Guidance concerning assessment reporting categories for all waters, and associated scheduling of follow-up monitoring.	<p>Agree. California's section 303(d) list proposal has been revised using much of the EPA Integrate Report Guidance. The proposal has been reorganized into four lists as follows:</p> <p>Monitoring List: Waters with insufficient existing and readily available data and information to determine if water quality standards are attained or beneficial uses are met.</p> <p>TMDL Completed List: Waters where beneficial uses are not attained and water quality standards are not met but TMDL(s) are approved for the water body and have approved implementation plans.</p> <p>Enforceable Programs List: Waters where beneficial uses are not attained or water quality standards are not met but an enforceable program exists that currently addresses the water quality problem in a reasonable time frame.</p> <p>The Section 303(d) List: Waters where beneficial uses are not attained or water quality standards are not met and the problem is caused by a pollutant or pollutants. A TMDL is necessary to address the problem and is scheduled for completion.</p> <p>A proposal for development of a Clean Waters List (Category 1) is not proposed because much of the section 305(b) water quality assessment has been completed and there is not time or resources to revise our proposal. The kinds of information that would be included in the Category 1 list will be included in the section 305(b) report.</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.12	The State should describe more clearly the basis for the State's proposal to carry over most listings from the 1998 section 303(d) list absent new data and information.	As stated in Volume I, the 1998 section 303(d) list (Volume I, Appendix) forms the basis for the 2002 list submittal. This assumption is based on the following: The 1998 amendments to the list were approved by the SWRCB in 1998 and by U.S. EPA in 1999. At that time, the SWRCB and U.S. EPA evaluated all then-existing and readily available water quality-related data and information to make the listing decisions. Some interested parties disagreed with some of the 1998 listing decisions, and since that time, they had some years to develop additional data or information with which to challenge the conclusions. In many instances, however, the SWRCB and RWQCBs received no new data or information about many of those waters. As such the SWRCB has no new evidence with which to reexamine the 1998 conclusions. In the absence of evidence that calls the 1998 list decisions into question, the previous decisions, based on the previous record, should not be reopened. For the current submittal, therefore, where no new data or information has been received about a water's status, no change is proposed from the 1998 list.	No	
G.11.13	The State should coordinate with neighboring states with respect to assessments of waters which cross jurisdictional boundaries.	The RWQCBs sent solicitation letters to a wide variety of interested parties. All readily existing data and information about waters that border or flow into neighboring states were considered.	No	
G.11.14	The State should coordinate with the U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, and State Department of Fish and Game to ensure that listing decisions address the need to protect listed species.	These agencies were informed about the proposed revisions of the section 303(d) list and at least the U.S. National Marine Fisheries Service and the DFG have submitted comments.	No	
G.11.15	The majority of fact sheets provide insufficient information concerning the data and information considered, the applicable standard(s) considered, and the basis for concluding that the water should or should not be listed for a particular pollutant. The fact sheets for many waters in Regions 5 and 9 provide an appropriately detailed level of information for this purpose. We recommend that the other fact sheets be revised to provide this level of detail.	Please refer to the response for Comment No. G.10.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.16	The decision documents must more clearly describe all the data and information compiled and considered by the State. If the data and information sources identified are existing and readily available, they must be considered. If appears that several information sources identified in the references were not considered. If any data and information is excluded, EPA expects the State to provide a more detailed rationale for the decisions to exclude any data and information sources.	Please refer to the response for Comment No. G.11.4.	No	
G.11.17	We understand that the State now intends to provide a limited opportunity for the public to submit data and information which were unavailable prior to May 2001 for State consideration in the 2002 listing process. State staff should gather and consider data and information that became available between May 2001 and Spring 2002. At a minimum, the State must describe why it is reasonable to exclude from consideration, in whole or in part, more recently available data and information.	Please refer to the response for Comment No. G.6.1.	No	
G.11.18	If the State's assessment methodology provides that a minimum number of data points are needed to assess a water, the methodology must identify that minimum number and provide a reasonable technical rationale for the different expectations. If there is no minimum data quantity requirement, the waters for which data quantity was cited as a basis for not listing should be reevaluated consistent with a more clearly stated assessment method.	<p>At present, the State's methodology does not set a minimum number of samples. In developing their proposals to the SWRCB, several RWQCBs selected a minimum number of samples depending on the parameter. Of course, large numbers of samples were always preferred in order to minimize false negative conclusions (not listing when in fact the water body should be listed). If standards were exceeded in a large percentage of the samples even if the total number of samples was low, we accepted the higher possibility for false negative errors. This approach provides an environmental conservative approach for protecting beneficial uses.</p> <p>For example, for measurements that integrate environmental conditions (like measurements of contaminants in fish tissue) at least two samples were usually sufficient. For other parameters that are more variable (such as dissolved oxygen or bacterial measurements) generally 10 samples were considered the minimum needed; but there are several situations where fewer samples were sufficient and where more samples were not sufficient. For the 2002 section 303(d) list proposal each case was different and consequently each proposal was developed on a case-by-case basis.</p> <p>The methodology for developing the list has been modified to better explain the approach.</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.19	The state should consider listing waters in cases where generic data quantity expectations are not fully met but the data indicate a reasonable likelihood of standards exceedences (e.g. very high magnitude exceedences, high exceedence rates, evidence from media which integrate water quality effects such as sediment and tissue data, and corroborating evidence from independent lines of evidence).	<p>A wide range of data has been submitted for 2002 section 303(d) list process. Knowing the quality of these data is essential in determining the strength of the recommendation to list or de-list a water body.</p> <p>The quality of the data used in the development of the section 303(d) list proposals were generally of sufficiently high quality to make determinations of water quality standards attainment.</p> <p>In many of the proposed listings the State has considered and used: high exceedance rates, the magnitude of response (when appropriate or necessary), and tissue and sediment data in the assessments.</p>	No	
G.11.20	The manner in which the State considered data quality is not explained in sufficient detail. The state should consider the reliability of data and whether the data is representative of water quality conditions in the water body. The state should explain how it evaluated data quality and representativeness. States should not exclude data from the assessment process unless it is demonstrated likely to be unreliable. The state's methodology should provide for listing in cases where data quality expectations are not fully met but the data indicate a reasonable likelihood of standards exceedences.	<p>Data quality was one of the factors used to determine if data and information we useable in the development of the section 303(d) list proposals. The State did not establish a consistent set of minimum data quality requirements because it was our intent to include as much reliable data in the process as possible. The review on the data quality was completed on a case-by-case basis by RWQCB and SWRCB staff.</p> <p>The staff report has been modified to better explain the data quality assessment.</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.21	The methodology and individual fact sheets do not clearly describe how the staff considered the 14 factors and applied a weight of evidence approach. There is no basis in State standards or federal regulations to require multiple lines of evidence to support a determination that a water is impaired or threatened. If a single line of evidence is sufficient to determine that an individual element of the standards is exceeded, the water should normally be listed. In addition, instances may arise where no single line of evidence is sufficient to support a listing decision, yet information from several lines of evidence combines to provide a basis to list a water body. EPA strongly encourages California to adopt this perspective to implementing its proposed weight of evidence approach.	<p>The factors presented in the fact sheets is presented to show the kinds and amounts of data and information that were available to make a recommendation to list or delist a water body on the section 303(d) list. At present, the State does not have a formal quantitative weight-of-evidence approach for developing the section 303(d) list. The factors represent the foundation and documentation of the collective staff judgement to propose a water body to be listed or not listed.</p> <p>In making these judgements, there were certain conditions that were sufficient by themselves to demonstrate that water quality standards are not attained. Other conditions required evaluation of multiple types of data or pieces of information in order to arrive at a reasonable determination of whether standards are attained. In some instances, the available data and information may yield conflicting information as to whether or not water quality standards are met or beneficial uses are attained. Therefore, the judgements generally addressed the various factors to accommodate the variety of data that might be encountered.</p> <p>In general the SWRCB staff screened the available data and information and any RWQCB documentation to determine the adequacy of the data. This screening was documented by recording their findings of data quality, sufficiency of spatial and temporal coverage, beneficial uses potentially impacted, the type of water quality standard, data type, use of standard methods, and other water body- or site-specific information including the effects of season and age of the data.</p> <p>Once the data were screened, an assessment of the number of samples and, in many cases, the magnitude of the standards exceedance was determined. The data types that were sufficient by themselves to demonstrate standards attainment are: (1) Numeric data exceeds numeric water quality objectives, maximum contaminant levels, or California/National Toxics Rule water quality criteria; and (2) Use of numeric evaluation values focused on protection of consumption of aquatic species.</p> <p>The data types that required multiple lines of evidence be used for listing and de-listing. The listing factors that required multiple lines of evidence were: (1) Toxicity; (2) Health Advisories; (3) Nuisance, (4) Adverse Biological Response,</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		<p>and (5) Degradation of Aquatic Life Populations or Communities. Each of these lines of evidence needed generally the pollutant(s) that caused or contributed to the adverse condition.</p> <p>To determine which list to place the water body, the staff considered the presence of a pollutant, the potential pollutant or pollution source, and the existence of an alternate enforceable program that could address the problem.</p> <p>SWRCB staff recommendations were based on all the information provided in the fact sheets and in the administrative record. The methodology used to develop the list recommendations has been changed to better describe to general approach taken.</p>		
G.11.22	The fact sheets provide inadequate descriptions of the analytical basis for assessing whether individual waters attained numeric or narrative objectives. The State must provide a specific rationale supporting the selected exceedance rate(s), supported by reference to state water quality standards. The rationale should clearly explain which narrative and or numeric standards are being applied for each water body.	<p>Narrative and numeric water quality standards are contained in statewide and regional water quality control plans, water quality control policies, the CTR, NTR, California Code of Regulations, and other plans and policies.</p> <p>Please refer to the response for Comment No. G.11.23 for the response on the selection of the exceedance rate.</p>	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.23	EPA is concerned about several assessments which appear to be based on application of a 10% exceedance rate for toxic pollutants. EPA's 1997 guidance for Section 305(b) water quality assessments refers to a 10% exceedance rate only for conventional pollutants. A listing decision that applies a 10% exceedance rate for toxic pollutants appears to be inconsistent with applicable water quality standards. Existing water quality standards are based on the assumption that the allowed pollutant concentration will be exceeded no more frequently than once in any three year period. The State must provide a rationale for its chosen allowable exceedance rate or rates for all pollutants, and for toxic pollutants in particular.	<p>With complete understanding of a water body, any exceedance of a water quality standard would indicate that a water body does not meet water quality standards. However, a complete understanding of our waters is not possible because decisions are made with limited data that are greatly affected by variability in natural or background conditions (including seasonal variation) and in human activity. Other sources of variability include measurement error in the analysis of samples (typically for measurements of metals and organic chemicals, data quality requirements for accuracy and precision range from 10 to 30 percent).</p> <p>The U.S. EPA has recognized these factors and at least for the section 305(b) requirements, has allowed that if greater than 10 percent of the samples for any acute or chronic toxic pollutant criterion does not support beneficial uses (assuming at least 10 samples over a three year period). For conventional pollutants the allowable exceedance rate recommended is 25 percent should be classified as not supporting beneficial uses. This greater value recognizes the inherent variability of the data associated with these parameters.</p> <p>The 305(b) guidance also says that to determine if beneficial uses are fully supported that 1 exceedance is allowed in 3 year period (assuming at least 10 samples are collected over the 3-year period). If there are more than 10 samples, a strict reading of the 305(b) guidance would indicate that the allowable exceedance rate would decrease as sampling increased. It does not seem appropriate or fair to reduce the allowable exceedance rate just because more than 10 samples are available. With respect to conventional pollutants, a 10 percent exceedance percentage is recommended.</p> <p>For the purposes of listing California waters, we are interested in determining when beneficial uses are not supported and when standards are not attained. The allowable exceedance rate is not linked to any standard; rather it is an indication of the strength of the judgement about standards attainment. As the percent exceedance increases certainty in the assessment of standards attainment increases. For example, staff are more certain that standards are not attained if 50 percent of the samples exceed standards rather than if only 1 percent of the samples exceed standards. Unfortunately, in choosing a high exceedance frequency it is more likely that beneficial uses of</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
		<p>the water body are impacted. While a specific exceedance rate cannot be expected to apply to all water quality situations or pollutants, selecting a single value, in the absence of a site-specific value, is pragmatic, fair, and within the limits of the water quality regulatory process.</p> <p>Given the variability in California's water quality conditions, using the U.S. EPA section 305(b) guidance values the greatest allowable exceedance percentage used was 25 percent. Smaller exceedance frequencies were used depending on the type of parameter, expected variability in various parameters, and the availability of alternate values.</p>		
G.11.24	<p>We note that in different Regions and for different waters, widely varying screening criteria were applied for different pollutants and media. (This comments refers specifically to contaminated sediment and animal tissue data). The State should analyze the different approaches used and determine which screening approaches are acceptable for listing assessments.</p>	<p>Each assessment was developed on a case-by-case basis in consideration of all the existing available data and information. The staff used its judgement in assessing which assessment value to use. The assessment methodology has been modified to include the types of evaluation values used.</p> <p>When the SWRCB develops its policy for listing and delisting waters on the section 303(d) list consistent approaches and consistent assessment guidelines will be considered.</p>	No	
G.11.25	<p>Several listing decisions appear to be inconsistent with each other based on application of different review criteria with respect to the following:</p> <ul style="list-style-type: none"> - minimum numbers of samples needed to support listing; - minimum numbers or percentages of exceedences of applicable standards needed to support listings; - evaluation of screening criteria for fish tissue and aquatic sediment contamination; and - use of alternative enforceable program as basis for not listing impaired waters. <p>The final submittal must document that decision rules applied to list waters were applied consistently or that there are reasonable bases for inconsistencies.</p>	<p>Partially agree. The State does not have a consistent, generally applicable process for developing the section 303(d) list. The RWQCB and SWRCB staff developed their recommendations for each water body and pollutant based on the data and information available, circumstances present in the water body, and the professional judgement of the staff.</p> <p>For discussion of the various listing considerations, please refer to the response for Comment Nos. G.11.8, G.11.18, G.11.23, and G.11.24.</p> <p>In some cases, inconsistencies have been reduced or removed. For example, the inconsistent approach for evaluating bacterial water quality standards, beach postings, and beach closures has been changed to be more consistent.</p>	Yes	Volume I, Methodology Used to Develop the List

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.26	Several waters are proposed for delisting based on the argument that the pollutants come from naturally occurring sources. Unless the applicable State water quality standards provide an exemption from coverage of waters impaired due to naturally occurring sources, impaired or threatened water must be listed regardless of the source. In the case of a water that exceeds standards solely due to naturally occurring sources, EPA recommends that the State list the water pursuant to Section 303(d) as a low priority for TMDL development and focus instead on actions to modify the applicable standard(s).	Please refer to the response for Comment No. G.11.5.	No	
G.11.27	U.S. EPA has already approved modifications of use designations based on State Use Attainability Analyses (UAA). It is therefore appropriate to de-list those water bodies, assuming that remaining applicable standards are attained. If State standards contain an exclusion due to natural causes, there would have been no reason for a UAA. Therefore, apparently the interpretation that the Basin Plan provides a natural sources exclusion is a recent one.	<p>Some of the water quality objectives in the Lahontan Basin Plan were established in 1975 based on very limited monitoring data or on older published water quality criteria. These objectives may not reflect the natural background conditions of the affected water bodies, or current scientific criteria for protection of beneficial uses. UAAs are an appropriate mechanism for addressing situations where it is suspected that the beneficial use for a water body was established inappropriately.</p> <p>It makes little sense to listing and schedule TMDL development for waters where a TMDL will not resolve the identified or potential water quality problem. The Regional Board may pursue changes in standards, rather than TMDLs, for these waters.</p> <p>Also, please refer to the response for Comment No. G.11.5.</p>	No	
G.11.28	We reviewed the Lahontan RWQCB Basin Plan and the particular sections cited by State and Regional Board staff as providing an exemption for waters that exceed standards due to naturally occurring causes. We disagree that the cited sections create such an exemption. Even if there were a natural sources exclusion in applicable water quality standards, waters that are impaired or threatened due even in part to human-caused sources must be listed unless the narrow exemptions identified in 40 CFR 130.7(b)(1) apply. We noted that several waters in Region 6 were not proposed for listing based on the argument that the "major source" is believed to be of natural origin.	Please refer to the responses for Comment Nos. G.11.5 and G.11.27.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.29	Region 6 Basin Plan language appears consistent with the (national) Nondegradation Policy. It does not create separate designated beneficial use categories or water quality objectives for waters with naturally elevated pollutant levels. Also, there is no language in the Policy to suggest that the interpretation of the Antidegradation Policy also applies to interpretations of designated beneficial uses or narrative and numeric water quality objectives applicable within the Region.	Please refer to the responses for Comment Nos. G.11.5 and G.11.27.	No	
G.11.30	The RWQCB staff report cites U.S. EPA guidance for development of site-specific standards as the basis for finding that a water body is not impaired when natural background levels of pollution exceed standards. The cited guidance is not Section 303(d) listing guidance and is not a legal basis for applying a different reading of currently applicable standards. Furthermore, a RWQCB reference to the Clean Water Act definitions of "pollutant" and "pollution," including a mention of human causes, does not provide the legal basis for a different interpretation of currently applicable standards. While it may be appropriate to revise water quality standards where pollution is entirely from natural causes, the 303(d) list process is not the appropriate vehicle to do so. Instead, the 303(d) process must simply "interpret and apply existing standards."	The U.S. EPA guidance document is cited simply to emphasize the reasonableness of not expecting water quality improvement beyond that present in waters with no human-related sources. We believe that the provisions of the Basin Plan focused on controllable sources (quoted in Comment No. G.11.5) allow the interpretation that these waters do not need to be listed. Also, please refer to the responses for Comment Nos. G.11.5 and G.11.27.	No	
G.11.31	Even if exclusions for natural sources of pollution were included in water quality standards, water bodies impaired even in part due to human causes/sources must be listed unless 40 CFR Section 130.7(b)(1) applies. Several water bodies in Region 6 were not proposed for listing because the major source of pollution was believed natural.	Please refer to the responses for Comment Nos. G.11.5 and G.11.27. These waters were not listed because a TMDL cannot address the standards exceedance.	No	
G.11.32	Threatened waters must be listed if a "pollutant has caused, is suspected of causing, or is projected to cause an impairment." The proposed listing report does not clearly describe whether and how the State assessed waters in order to identify both threatened and impaired waters. The final listing decisions and supporting report must demonstrate that the State's methodology provided for identification and listing of threatened waters.	Please refer to the response for Comment No. G.11.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.33	Numerous water are identified for placement on a watch list without sufficient justification. No information is provided to describe how the State considered data and information concerning waters that were not on the prior 303(d) list and which the State is not proposing for inclusion on the 303(d) list or watch list. The Regional Board staff reports contained several waters proposed to be placed on the watch list that appeared to meet Section 303(d) listing requirements.	Agree. Justification for placing many water bodies on the various lists has been provided.	Yes	Volume I; Volumes II, and III; various Fact Sheets
G.11.34	The fact sheets do not provide sufficient information and analysis to support the proposed decisions not to list waters based upon the existence of an alternative enforceable program. Additional documentation is necessary if the State decides to finalize these "offramping" decisions.	Please refer to the response for Comment No. G.11.4.	Yes	Volume I, Methodology Used to Develop the List
G.11.35	Neither the methodology nor the fact sheets explain how the ranking criteria were applied for individual waters, nor does the proposal identify waters targeted for TMDL development in the next two years as required by 40 CFR 130.7(b)(4). The final listing decisions must describe how priority ranking and targeting decisions were made, and clarify which waters are targeted for TMDL development in the next two years.	Please refer to the response for Comment No. G.11.9.	No	
G.11.36	Per the U.S. EPA Integrated Report Guidance and its national listing policy, a State schedule for TMDL implementation should be formally adopted and submitted to U.S. EPA.	Please refer to the responses for Comment No. G.11.11. It is not mandatory that the SWRCB use the U.S. EPA guidance. The SWRCB schedule complies with the requirements of federal regulation (40 CFR 130.7(b)(4)) and provides a schedule for TMDL completion within existing resources.	No	
G.11.37	U.S. EPA recommends (but does not require) that in 2002 the State submit an integrated 305(b) and 303(d) list report. Making this task easier, several categories of water bodies recommended in the national Integrated Report Guidance appear to correspond to those in the State's draft 2002 list (e.g., the Watch List to Categories 2/3; certain waters proposed not to be listed or for delisting to Categories 4B and 4C; and waters on the proposed 303(d) list to Category 5). The State should explain the relationship between its 2002 303(d) and 305(b) processes.	Please refer to the responses for Comment No. G.11.11.	No	
G.11.38	U.S. EPA strongly supports the State's approach to use the 1998 303(d) list as a basis for its 2002 list. However, the State should provide additional rational for why it is doing so.	Please refer to the response for Comment No. G.11.12.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.39	For waters that flow across state boundaries, the State should provide evidence of having conferred with its neighbors on how to list those waters. Any state-state disagreements requires U.S. EPA involvement/reconciliation.	Please refer to the response for Comment No. G.11.13.	No	
G.11.40	The State should confer with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and California Department of Fish and Game in preparing its 303(d) list. Any comments by these agencies should be carefully considered.	Please refer to the response for Comment Nos. G.11.14.	No	
G.11.41	<p>Water Bodies (by Region)</p> <p>1. Gualala, Big, Ten Mile, Mad, Russian Rivers; Redwood Creek</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough</p> <p>4. Ballona Creek; Calleguas Creek/Revolon Slough; Malibu and Cold Creeks; San Gabriel River Estuary; Los Angeles Harbor Consolidated Slip</p> <p>5. Lower and Upper Putah Creek</p> <p>6. Heavenly Valley Creek; unnamed creek; Mohave River; Upper, Middle, and Lower Alkalai Lake; Top Spring; Grant Lake; Big Springs; Crowley Lake; Tinemaha Reservoir; Owens River; Hot Creek</p> <p>8. Buck Gully Creek; Los Trancos Creek; Muddy Creek; Bolsa Chica; Huntington Harbor</p> <p>Comment</p> <p>Based on data and information described, the water body/pollutant combination appears to meet federal listing requirements. The State should review its assessment in light of EPA's comments and consider including the water body on the final list, or more clearly explain the basis for its decision not to list the water body (see 40 CFR 130.7(b)(6)(iv)).</p>	<p>Please refer to the responses for Comment Nos. G.11.4.</p> <p>Where appropriate, the bases for the placement on one of the lists has been revised. The methodology for developing the list has been modified to better explain the listing approach.</p>	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.42	<p>Water Bodies (by Region)</p> <p>2. Tomales Bay, San Pablo Basin/Petaluma River; Walker Creek</p> <p>3. Chorro Creek; Estero Bay/Los Osos Creek; Majors Creek; Monterey Bay at Aquarium; Pacific Ocean (various); Santa Barbara Channel; selected sites in Monterey Bay; Upper Salinas River/tributaries; Santa Ynez, San Antonio, Santa Maria; Carpenteria; City College Beach; Mission Creek Beach; Arroyo Burro Beach; San Luis Obispo Creek mouth</p> <p>4. Conejo Creek R9A; Ballona Creek; Calleguas Creek; Revolon Slough Main Branch; Calleguas Creek Arroyo Simi; Calleguas Creek R10; Calleguas Creek watershed; Malibu Creek-Cold Creek; Malibu Creek; Marina del Rey Back Basin; Malibu Lake; Mugu Lagoon; Santa Clara River Estuary; Dominguez Channel; Dominguez Channel Estuary</p> <p>6. Mohave River; Upper, Middle, and Lower Alkalai Lake; Top Spring; E.F. Carson River; Mono Lake; Grant Lake; Big Springs; Crowley Lake; Tinemaha Reservoir; Owens River; Ho Creek</p> <p>7. New River</p> <p>8. Canyon Lake, East Bay; Anaheim Bay; Bolsa Chica; Huntington Harbor; Newport Bay; Little Corona Beach; Ocean Waters; Cucamonga Creek ; Chino Creek; Mill Creek (Prado Area); Santa Ana River R 4,5; Temescal Creek; San Jacinto R. North and South Forks; Strawberry Creek</p> <p>9. Lake Hodges; Lake Sutherland; San Diego Bay (Switzer Creek)</p> <p>Comment</p> <p>The basis for the proposed decision is not described clearly or with sufficient detail. The State should review its assessment and provide additional description of the basis for its decision.</p>	Where appropriate, the bases for the placement on one of the lists has been revised.	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.43	<p>Water Bodies (by Region)</p> <p>4. Ballona Wetland</p> <p>8. Bolsa Chica; Huntington Harbor; Newport Bay; Little Corona Beach; Ocean Waters; Cucamonga Creek ; Chino Creek; Mill Creek (Prado Area); Santa Ana River R 4,5; Temescal Creek; San Jacinto R. North and South Forks; Strawberry Creek</p> <p>Comment</p> <p>The minimum required sample size threshold applied for this assessment appears inappropriately high, or a minimum sample size requirement was inferred but not explained. The State should review its assessment, consider modifying its conclusions, and/or provide a more specific rationale supporting the use of this sample size cutoff.</p>	<p>Please refer to the general response for Comment Nos. G.11.18.</p>	No	
G.11.44	<p>Water Bodies (by Region)</p> <p>4. Calleguas Creek R10; Los Angeles River Estuary (Queensway Bay)</p> <p>8. Newport Bay</p> <p>Comment</p> <p>The minimum water quality objective exceedence rate required to support a listing decision appears inappropriately high, or a minimum exceedence rate threshold was inferred but not explained. The State should review its assessment, consider modifying its conclusions, and/or provide a more specific rationale supporting the use of this minimum exceedence rate.</p>	<p>Where appropriate the bases for the placement on one of the lists has been revised.</p>	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.45	<p>Water Bodies (by Region)</p> <p>6. Heavenly Valley Creek, unnamed creek; Upper, Middle, and Lower Alkalai Lake; Top Spring; Grant Lake; Big Springs; Crowley Lake; Tinemaha Reservoir; Owens River; Owens Lake; Hot Creek</p> <p>Comment</p> <p>The proposed decision is based on the conclusion that the water exceeds standards but that the pollutant comes from natural sources. The Basin Plan does not appear to contain a natural sources exclusion; therefore, the water should be listed. It may be appropriate to revise the applicable objective(s), modify the designated uses, or adopt a natural sources exclusion through the water quality standards program. The water could then be delisted if the pollutant sources are shown to be entirely natural in origin.</p>	Please refer to the responses for Comment Nos. G.11.5, G.11.27, and G.11.30.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.46	<p>Water Bodies (by Region)</p> <p>1. Gualala, Big, Ten Mile, Mad, Russian Rivers; Redwood Creek</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough</p> <p>3. Majors Creek; Monterey Bay at Aquarium; Pacific Ocean (various); Santa Barbara Channel; selected sites in Monterey Bay; Upper Salinas River/tributaries; Santa Ynez, San Antonio, Santa Maria; Carpenteria; City College Beach; Mission Creek Beach; Arroyo Burro Beach; San Luis Obispo Creek mouth</p> <p>4. Conejo Creek R9A; Calleguas Creek Arroyo Simi; Calleguas Creek R10; Dominguez Channel</p> <p>6. Mohave River; E.F. Carson River; Mono Lake</p> <p>8. Anaheim Bay; Bolsa Chica; Huntington Harbor; Little Corona Beach; Ocean Waters; Cucamonga Creek ; Chino Creek; Mill Creek (Prado Area); Santa Ana River R 4,5; Temescal Creek; San Jacinto R. North and South Forks; Strawberry Creek</p> <p>Comment</p> <p>The fact sheet provides an inadequately detailed rationale for the decision not to list or to delist the water body. The State should review its assessment, consider modifying its conclusions, and/or provide a more specific rationale supporting the proposed decision not to list or delist.</p>	Where appropriate, the bases for the placement on one of the lists has been revised.	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.47	<p>Water Bodies (by Region)</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough;</p> <p>4. Ballona Creek; Calleguas Creek watershed; Malibu Lake; Mugu Lagoon; Conejo Creek Reach 1</p> <p>Comment</p> <p>The proposed decision appears to be inconsistent with one or more other listing decisions for other waters with similar factual circumstances. The State should reconcile inconsistencies in its assessments and revise its recommendations if warranted. At a minimum, the State must explain why inconsistencies in assessment approaches are reasonable and in accordance with federal listing requirements.</p>	Where appropriate, the bases for the placement on one of the lists and the explanation for the listing or de-listing has been revised.	Yes	Various
G.11.48	<p>Water Bodies (by Region)</p> <p>4. Ballona Creek; Arroyo Simi R1; Calleguas Creek, Calleguas Creek R1, Revolon Slough; Revolon Slough Main Branch; Marina del Rey Back Basin; Malibou Lake; Los Angeles Consolidated Slip; Los Angeles River R5; Coyote Creek; Lake Calabasas; Colorado Lagoon; Conejo Creek; Ventura River R1; Westlake Lake</p> <p>Comment</p> <p>The decision not to rely upon the cited screening levels appears reasonable, but the State should ensure that available data are evaluated in comparison with other credible, readily available screening levels for the pollutant and media of concern and explain how it conducted this comparison to alternative screening values if they are available. If appropriate, waters should be considered for listing if alternative screening levels are exceeded.</p>	Comments acknowledged. With respect to alternate screening values or evaluation guidelines, in nearly every case only one value was selected to be used.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.49	<p>Water Bodies (by Region)</p> <p>3. Estero Bay/Los Osos Creek; San Luis Obispo Creek mouth</p> <p>4. Ballona Creek; Revolon Slough Main Branch; Mugu Lagoon; Santa Clara River estuary; Los Angeles River R5; Duck Pond Agricultural Drain; Harbor Park Lake; Lake Lindero; Conejo Creek Reach 1</p> <p>Comment</p> <p>The application of screening criteria is not adequately explained. The State should clarify how it selected screening criteria and, where relevant, rejected screening criteria in the assessment process.</p>	Where appropriate, the explanation for the use of the screening value is provided.	Yes	Various
G.11.50	<p>Water Bodies (by Region)</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough</p> <p>4. McGrath Lake Estuary; San Gabriel River Estuary; Los Angeles Harbor Consolidated Slip</p> <p>Comment</p> <p>The State's proposal not to list the water based on reliance on another enforceable program is not described in enough detail for EPA to conclude it is an appropriate basis on which to exclude waters from the Section 303(d) list under 40 CFR 130.7(b). The State should explain how the water and referenced program meet the tests identified in the cover letter.</p>	Please refer to the response for Comment No. G.11.8.	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.51	<p>Water Bodies (by Region)</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough</p> <p>4. Calleguas Creek Arroyo Simi; Malibu Creek-Cold Creek</p> <p>5. Lower and Upper Putah Creek</p> <p>Comment</p> <p>There appear to be sufficient data and information to conclude the water is impaired or threatened, and the analysis provides an insufficient basis for concluding pollutant(s) do not cause or contribute to the water quality limitation. The State should consider listing the water or more clearly demonstrate why it does not meet federal listing requirements. In cases where the individual pollutants are listed, it is generally unnecessary to list effects of those pollutants (e.g., algae associated with nutrient loadings).</p>	Where appropriate, the bases for the placement on one of the lists and the explanation for the listing or de-listing has been revised. When pollutants are not identified more information is need to determine if a TMDL is the correct response. In these cases the water body was placed on the Monitoring List.	Yes	Various

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.52	<p>Water Bodies (by Region)</p> <p>2. Central Basin/Stege Marsh; South Bay Basin/Islais Creek; South Bay Basin/Mission Creek; Suisun Basin/Peyton Slough</p> <p>3. San Luis Obispo Creek mouth</p> <p>4. Conejo Creek R9A; Ballona Creek; Calleguas Creek; Calleguas Creek Arroyo Simi; Calleguas Creek R10; Malibu Creek-Cold Creek; Malibou Lake; Mugu Lagoon; San Gabriel River Estuary; Los Angeles Harbor Consolidated Slip; Los Angeles River R5; Los Angeles River Estuary (Queensway Bay); Dominguez Channel; Dominguez Channel Estuary; Duck Pond Ag Drain; Harbor Park Lake; Lake Lindero; Conejo Creek Reach 1</p> <p>5. Upper and Lower Putah Creek</p> <p>6. Heavenly Valley Creek; unnamed creek</p> <p>8. Buck Gully Creek; Los Trancos Creek; Muddy Creek; Canyon Lake, East Bay</p> <p>Comment</p> <p>The basis for reversing the Regional Board recommendation is unclear and should be clarified.</p>	We have reviewed each of the proposals made changes where a clearer description is needed. Several of the proposal are adequately documented.	Yes	Various
G.11.53	Gualala River: No technical analysis provided to counter Regional staff recommendation to list. Regional staff recommended listing; Regional Board itself decided not to list this and other waters for temperature, without a technical basis.	Please refer to the response for Comment No. 1.3.1.	Yes	
G.11.54	Big River: No technical analysis provided to counter Regional staff recommendation to list.	Please refer to the response for Comment No. 1.3.1.	Yes	
G.11.55	Ten Mile River: No technical analysis provided to counter Regional staff recommendation to list.	Please refer to the response for Comment No. 1.3.1.	Yes	
G.11.56	Mad River: No technical analysis provided to counter Regional staff recommendation to list.	Please refer to the response for Comment No. 1.3.1.	Yes	
G.11.57	Redwood Creek: No technical analysis provided to counter Regional staff recommendation to list.	Please refer to the response for Comment No. 1.3.1.	Yes	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.58	Stemple Creek: We support the listing but note a TMDL was never formally adopted by the State nor submitted for EPA approval, as implied by the fact sheet.	Comment acknowledged.	No	
G.11.59	Russian River: No technical analysis provided to counter Regional staff recommendation to list.	Please refer to the response for Comment No. 1.3.1.	Yes	
G.11.60	Central Basin/Stege Marsh: Both sediment toxicity and benthic effects data support listing decision.	Please refer to the response for Comment No. G.11.8.	No	
G.11.61	Tomales Bay: We do not object to the proposed clarification, but note the fact sheet does not describe the basis for the change.	Comment acknowledged.	No	
G.11.62	South Bay Basin/Islais Creek: Both sediment toxicity and benthic effects data support listing decision.	Please refer to the response for Comment No. G.11.8.	No	
G.11.63	South Bay Basin/Mission Creek: Both sediment toxicity and benthic effects data support listing decision.	Please refer to the response for Comment No. G.11.8.	No	
G.11.64	Suisun Basin/Peyton Slough: Both sediment toxicity and benthic effects data support listing decision.	Please refer to the response for Comment No. G.11.8.	No	
G.11.65	San Pablo Basin/Petaluma River: The calculations used to apply the WER approach should be provided for public review.	Please refer to the response for Comment No. 2.1.1.	No	
G.11.66	Walker Creek: We do not object to the proposed clarification, but note the fact sheet does not describe the basis for the change.	Comment acknowledged.	No	
G.11.67	San Francisco Bay segments: EPA supports the proposal to continue listings of these segments for these pollutants. If the State later decides to reevaluate these listings, we recommend that the State consider sediment and fish tissue data which are currently being analyzed for these pollutants as part of its assessment.	Comment acknowledged.	No	
G.11.68	Chorro Creek: The analysis of more recent data should be described.	All readily available data and information were analyzed.	No	
G.11.69	Majors Creek: Fact sheet does not describe how information provided by City was considered.	The fact sheet has been modified to better explain how the data were considered.	Yes	Volume II
G.11.70	Monterey Bay at Aquarium: No analysis provided.	The fact sheet was modified to better explain how the data were evaluated.	Yes	Volume II

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.71	Pacific Ocean (various): No analysis provided.	Several new fact sheets have been provided to better explain the analysis of data from coastal beaches.	Yes	Volume II
G.11.72	Selected sites in Monterey Bay: No analysis provided.	Please refer to the response for Comment No. G.11.70.	No	
G.11.73	City College Beach: Basis for conclusions unclear--does existing listing cover viruses?	Viruses are covered to the extent that the total and fecal coliform indicators represent the presence of enteric viruses.	No	
G.11.74	Mission Creek Beach: Basis for conclusions unclear--does existing listing cover viruses?	Viruses are covered to the extent that the total and fecal coliform indicators represent the presence of enteric viruses.	No	
G.11.75	Arroyo Burro Beach: Basis for conclusions unclear--does existing listing cover viruses?	Viruses are covered to the extent that the total and fecal coliform indicators represent the presence of enteric viruses.	No	
G.11.76	Reference section is very vague and does not list specific documents considered. References to people and agencies are unclear.	The reference sections list those documents in the administrative record. The people and agencies listed are those groups in contact with the RWQCB staff during the solicitation for readily available data and information.	No	
G.11.77	Calleguas Creek Revolon Slough: EPA TMDLs did not cover Revlon Slough. Reliance on TMDLs in process not a valid basis to not list if water otherwise meets listing requirements.	Agree. The section has been modified.	Yes	Volume III, Region 4
G.11.78	Calleguas Creek watershed: Compare to Malibu Creek sedimentation, p 4-59	Comment acknowledged.	No	
G.11.79	Malibou Lake: Compare with Mugu Lagoon, 4-76	Comment acknowledged.	No	
G.11.80	Mugu Lagoon: Compare with 4-76, 4-143	Comment acknowledged.	No	
G.11.81	Ability of BPTCP actions to address pollutants of concern is not documented.	Please refer to the response for Comment No. G.11.8.	No	
G.11.82	Dominguez Channel--toxicity: It appears more valid to base a decision not to list on the age and small number of samples, not the issue that the pollutant(s) are unknown.	Comment acknowledged.	No	
G.11.83	Dominguez Channel--copper: It appears more valid to base a decision not to list on the age and small number of samples, not the issue that the pollutant(s) are unknown.	Comment acknowledged.	No	
G.11.84	Dominguez Channel Estuary--chlordan: It appears more valid to base a decision not to list on the age and small number of samples, not the issue that the pollutant(s) are unknown.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.85	Dominguez Channel Estuary--PCBs: It appears more valid to base a decision not to list on the age and small number of samples, not the issue that the pollutant(s) are unknown.	Comment acknowledged.	No	
G.11.86	Conejo Creek Reach 1--chlordan: Clarify application of MTRLs	Please refer to the response to comment No. 4.1.6	No	
G.11.87	Conejo Creek Reach 1--dieldrin: Clarify application of MTRLs	Please refer to the response to comment No. 4.1.6	No	
G.11.88	Conejo Creek Reach 1--HCH: Clarify application of MTRLs	Please refer to the response to Comment No. 4.1.6.	No	
G.11.89	Conejo Creek Reach 1--PCBs: Clarify application of MTRLs	Please refer to the response to Comment No. 4.1.6.	No	
G.11.90	Fact sheets for Region 5 waters provide much more detail than most on data and information considered, comparisons with standards, basis for decisions. The fact sheets also generally provide clearer conclusions about which water body areas are listed for which pollutants, and based on exceedences of which standards. See, e.g., American River, p. 5-54. Also, we support more precise delineations of water body listing locations and sizes	Comment acknowledged.	No	
G.11.91	Heavenly Valley Creek--chloride: Source partially anthropogenic.	Please refer to the responses for Comment Nos. G.11.5, G.11.27, and G.11.30.	Yes	Volume III, Region 6
G.11.92	Heavenly Valley Creek--phosphorus: Source partially anthropogenic	Please refer to the responses for Comment Nos. G.11.5, G.11.27, and G.11.30.	No	
G.11.93	Unnamed Creek--chloride: Source partially anthropogenic	Please refer to the responses for Comment Nos. G.11.5, G.11.27, and G.11.30.	No	
G.11.94	Unnamed Creek--phosphorus: Source partially anthropogenic	Please refer to the responses for Comment Nos. G.11.5, G.11.27, and G.11.30.	No	
G.11.95	We support these delistings, based on the assumption that EPA will approve the revised Basin Plan amendment standards prior to the listing decisions. We expect the State to document the basis for its findings that the sources are entirely natural in origin, and we believe the staff report supporting the Basin Plan amendment probably provides that information.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.96	Snow Creek; It is not clear whether the delisting is based on (1) a finding that the water now meets standards following restoration, (2) other controls will result in attainment of standards in the future, or (3) the water is not required to be listed because no pollutant is involved. Please clarify the basis for the delisting, keeping in mind comments 10 and 11 concerning, respectively, reliance on other required controls or absence of pollutants as bases for not listing impaired waters.	The de-listing is based on a combination of #s 1 and 2. The uses of water to support aquatic life in Snow Creek have been improved because of habitat restoration efforts and will improve further as time progresses.	No	
G.11.97	East Fork of Carson River: Unclear whether delisting is based on problems with prior listing basis or conclusion that standards are now attained. The State should reconsider argument that slight deviations from standards are insignificant and that waters meet standards despite these exceedences.	The East Fork of the Carson River is recommended for de-listing because (a) the original data, supposedly showing impacts to beneficial uses, was faulty and, most importantly, (b) new data shows that beneficial uses are not being impacted.	No	
G.11.98	Grant Lake: State should consider whether the exceedences are solely due to naturally occurring causes given that reservoir/lake construction and management can alter pollutant residence time, resident aquatic life, and accumulation in animal tissue. Argument that drinking water is treated is probably irrelevant if the applicable water quality standard is exceeded.	Impacts to Grant Lake from arsenic are due to natural causes. Furthermore, bioaccumulation (TSMP) data shows no exceedences of fish consumption criteria. This water body is an appropriate candidate for de-listing.	No	
G.11.99	Big Springs: State should consider whether the exceedences are solely due to naturally occurring causes given that reservoir/lake construction and management can alter pollutant residence time, resident aquatic life, and accumulation in animal tissue. Argument that drinking water is treated is legally irrelevant if the applicable water quality standard is exceeded.	See response to Comment G.11.98.	No	
G.11.100	Crowley Lake: State should consider whether the exceedences are solely due to naturally occurring causes given that reservoir/lake construction and management can alter pollutant residence time, resident aquatic life, and accumulation in animal tissue. Argument that drinking water is treated is legally irrelevant if the applicable water quality standard is exceeded.	See response to Comment G.11.98.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.101	Tinemaha Reservoir: State should consider whether the exceedences are solely due to naturally occurring causes given that reservoir/lake construction and management can alter pollutant residence time, resident aquatic life, and accumulation in animal tissue. Argument that drinking water is treated is legally irrelevant if the applicable water quality standard is exceeded.	See response to Comment G.11.98.	No	
G.11.102	Owens River: Argument that drinking water is treated is legally irrelevant if the applicable water quality standard is exceeded.	See response to Comment G.11.98.	No	
G.11.103	Colorado River: Please provide State's analysis of water quality conditions in the Colorado River and basis for decision not to list under Section 303(d), considering listing decisions by Arizona in 1998 and expected in 2002 (see http://www.adeq.state.az.us/enviro/water/assess/hsa.html#303d)	The Colorado River was not previously listed (i.e., on the 1998 List). The RWQCB received no new information to indicate that water quality standards for the River cannot be implemented. Therefore, the decision was made not to recommend listing the River in 2002.	No	
G.11.104	Buck Gully Creek: The proposed basis for not listing this water appears to be inconsistent with the Basin Plan and Clean Water Act. The Basin Plan states that "Specific waters which are not listed (in the Beneficial Use Tables) have the same beneficial uses of the streams, lakes, or reservoirs to which they are tributary" (p. 3-5). In addition, the Clean Water Act designates the presumptive uses that waters of the U.S. are to be fishable and swimmable. Finally, to the extent these uses are existing, they should be protected. Therefore, the water appears to meet listing requirements.	<p>The creek is tributary to the ocean and not to any stream, lake or reservoir. The phrase "presumptive use" is not defined in federal law, federal regulation, or U.S. EPA guidance; therefore, it is not clear how to apply or determine if the use applies to the waterbody.</p> <p>With respect to existing uses in the creek, please refer to the response for Comment Nos. 8.4.1 and 8.16.1.</p>	Yes	
G.11.105	Los Trancos Creek: The proposed basis for not listing this water appears to be inconsistent with the Basin Plan and Clean Water Act. The Basin Plan states that "Specific waters which are not listed (in the Beneficial Use Tables) have the same beneficial uses of the streams, lakes, or reservoirs to which they are tributary..." (p. 3-5). In addition, the Clean Water Act designates the presumptive uses that waters of the U.S. are to be fishable and swimmable. Finally, to the extent these uses are existing, they should be protected. Therefore, the water appears to meet listing requirements.	Please refer to the responses for Comment Nos. G.11.104 and 8.4.1.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.106	Muddy Creek: The proposed basis for not listing this water appears to be inconsistent with the Basin Plan and Clean Water Act. The Basin Plan states that “Specific waters which are not listed (in the Beneficial Use Tables) have the same beneficial uses of the streams, lakes, or reservoirs to which they are tributary...” (p. 3-5). In addition, the Clean Water Act designates the presumptive uses that waters of the U.S. are to be fishable and swimmable. Finally, to the extent these uses are existing, they should be protected. Therefore, the water appears to meet listing requirements.	Please refer to the responses for Comment Nos. G.11.104 and 8.4.1.	No	
G.11.107	Canyon Lake, East Bay: Neither the basis for the Regional Board nor the State Board recommendations are clear.	Comment acknowledged.	No	
G.11.108	Bolsa Chica: See comments in letter on minimum sample sizes and exceedance rates	Please refer to the response for Comment No. G.11.23.	No	
G.11.109	Huntington Harbor: See comments in letter on minimum sample sizes and exceedance rates	Please refer to the response for Comment No. G.11.23.	No	
G.11.110	See comments in letter on minimum sample sizes and exceedance rates. Conclusion conflict with EPA findings in proposed toxic pollutant TMDLs, April 2002. Final TMDLs will be established by June 2002; therefore, State will have discretion to delist on basis that TMDLs have been completed for waters of concern in this assessment.	Comment acknowledged.	No	
G.11.111	Should explain why data for certain sources and waters refers to wet only or dry only. Does this mean that for particular waters, data were only available for a particular season, or that data were excluded for a particular season? Please explain or define these labels.	The phrase means that data were available for a particular season.	No	
G.11.112	Lake Hodges, Lake Sutherland: We do not object to the listing, but please explain basis for defining color unit thresholds applied.	The Region 9 RWQCB Basin Plan objective for color in lake water is 15 color units (e.g., see Table 3-3, Page 3-31, Water Quality Control Plan for the San Diego Basin (9)). This objective is not to be exceeded more than 10% of the time during any one-year period. This criterion originated with standard visual comparative methodology for water in which platinum/cobalt salt solutions (with known yellow/brown colorations) are used as reference materials in judging the color of water samples. See Page 2-2 of Eaton, Clesceri, and Greenberg [ed.], "Standard Methods for the Examination of Water and Wastewater," 19th edition (1995).	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.113	San Diego Bay (Switzer Creek): Clarify for what stressor(s) and/or pollutant(s) the water is being listed.	<p>The San Diego region Basin Plan states that "all waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration or other appropriate methods as specified by the Regional Board." and "all waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration or other appropriate methods as specified by the Regional Board." These objectives were violated.</p> <p>The exact substances causing impacts to biological communities and causing sediment toxicity are not entirely known. However, concentrations of chlordane, lindane, poly aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in sediments could be the cause. The sources for these materials were possibly past and present shipyard activity and the historic use of the area as PAH waste dump site (for a San Diego Gas & Electric coal gasification plant) and as one of the original San Diego city garbage dumps. Urban runoff, other point sources, and non-point sources may contribute toxic materials to the area.</p>	Yes	Volume III, Region 9
G.11.114	Laguna de Santa Rosa: It is not clear that the data results were compared with CTR standards. Data should be compared with CTR values and the water listed if CTR objectives were exceeded.	The RWQCB recommended that this water body be placed on the Monitoring List, so that more information can be gathered before making a decision to list.	No	
G.11.115	Lake Sonoma: The water appears to meet listing requirements based on the very high exceedence rates for mercury in fish tissue based on multiple composite samples collected over several years. If currently available data support listing, it is invalid to defer listing pending further sampling results. If available the 2001 sampling results discussed in the report should be considered.	This monitoring is needed in order to evaluate the need for a Health Advisory for mercury contamination of fish tissue in Lake Sonoma. RWQCB recommends deferring action until this investigation is completed.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.116	Lake Mendocino: The water appears to meet listing requirements based on the very high exceedence rates for mercury in fish tissue based on multiple composite samples collected over several years. If currently available data support listing, it is invalid to defer listing pending further sampling results. If available the 2001 sampling results discussed in the report should be considered.	This monitoring is needed in order to evaluate the need for a Health Advisory for mercury contamination of fish tissue in Lake Mendocino. Staff recommends deferring action until this investigation is completed.	No	
G.11.117	Alder Creek: The brief description of available data and analysis provide an insufficient explanation for the decision not to list for temperature. Although the Regional Board has used MWAT statistics to assess temperature conditions, there is no requirement that they be calculated and used. Actual available data should be presented and analyzed in greater detail to demonstrate that insufficient data are available to determine whether threshold levels of concern are exceeded.	Additional information on the temporal and spatial extent of elevated temperatures, including MWATs, are required to determine the extent of stream temperature impairment. Staff recommends conducting additional instream sediment and temperature assessments of Alder Creek to determine whether spawning and rearing habitat of cold water fisheries and other beneficial uses are impaired due to sedimentation and/or elevated temperatures.	No	
G.11.118	Cottaneva Creek: The brief analysis provides insufficient descriptions of available data and the analysis supporting the conclusion that the data insufficient to support a listing assessment.	Information regarding sediment loading, instream conditions, and sediment transport capacity of these streams is insufficient to determine whether beneficial uses are impaired. Staff recommends conducting instream sediment and temperature assessments of these northern Mendocino Coast streams to determine whether beneficial uses are impaired due to sediments.	No	
G.11.119	Dehaven Creek, Wages Creeks: The brief analysis provides insufficient descriptions of available data and the analysis supporting the conclusion that the data insufficient to support a listing assessment. The data presented may support a finding that habitat conditions are impaired due to sediment loadings. It is not necessary to show fish population declines if substrate sediment data are sufficient to demonstrate likely habitat impairment.	Fish population data and timber harvest histories were not available for these watersheds. Due to lack of fish population data, it is difficult to determine whether the instream sediment conditions in Dehaven and Wages Creeks have impaired the cold water fishery and other beneficial uses. Staff recommends additional research to characterize historic fisheries conditions, as well as obtaining more information on harvest histories and instream conditions necessary for making a beneficial use impairment determination.	No	
G.11.120	Usal Creek: The brief analysis provides insufficient descriptions of available data and the analysis supporting the conclusion that the data insufficient to support a listing assessment. The data presented may support a finding that habitat conditions are impaired due to sediment loadings. It is not necessary to show fish population declines if substrate sediment data are sufficient to demonstrate likely habitat impairment.	The available data suggest that instream sediment conditions may contribute to a decline in the salmonid fishery. Staff recommends conducting additional instream monitoring and fish population surveys to determine whether spawning and rearing habitat of cold water fisheries and other beneficial uses are impaired due to sedimentation.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.121	Humboldt Bay: The brief analysis provides insufficient descriptions of available data and the analysis supporting the conclusion that the data insufficient to support a listing assessment. The data presented may support a finding that there is water body impairment.	It is not clear based on the available information whether water quality objectives are being exceeded and beneficial uses impaired in Humboldt Bay. Staff recommends additional study to determine whether beneficial uses are threatened due to sedimentation in Humboldt Bay.	No	
G.11.122	Mad River Slough: The brief analysis provides insufficient descriptions of available data and the analysis supporting the conclusion that the data insufficient to support a listing assessment. The data presented may support a finding that there is water body impairment.	Given that the SMWP results are considered preliminary and there is little supporting information, staff recommends conducting additional monitoring of Mad River Slough for Total PCBs through the State Mussel Watch Program. Additional study may be conducted through the Surface Water Ambient Monitoring Program.	No	
G.11.123	Klamath River: Please summarize available data and information to help confirm that there is insufficient information available to support an assessment.	Insufficient information is available at this time to make a listing determination. Staff recommends focused study of the instream sediment conditions to assess beneficial use impairment of the mainstem and tributaries.	No	
G.11.124	East Fork Trinity River: Please summarize available data and information to help confirm that there is insufficient information available to support a finding that standards are being exceeded.	A USGS monitoring program, to be completed in 2002, will evaluate the impact of abandoned mines such as the Altoona mine on federal lands in the Trinity River watershed. Staff recommends assessing the results of the study when available to determine whether beneficial uses are impaired by mercury.	No	
G.11.125	Shasta River: Please explain in greater detail why available data are insufficient to support a listing decision. The sediment information, in particular, may support a listing determination.	RWQCB staff recommends additional assessment of instream sediment conditions, to evaluate whether beneficial uses are currently impaired as a result of excessive sediment.	No	
G.11.126	Tule Lake: The available data appear to support a listing decision. Please explain in greater detail why available data are insufficient to support a listing decision.	The available data are insufficient to support a listing for numeric objective exceedance. RWQCB staff recommends continued monitoring of DO levels in Lower Lost River and Tule Lake. Based on the information available during the 303(d) List update period, there are not sufficient data to list these surface waters for un-ionized ammonia. These surface waters should, however, be prioritized for additional un-ionized ammonia testing, including pH and water temperature. Additional work is suggested to evaluate the toxicity of un-ionized ammonia and the protection of the beneficial uses of these water bodies. In addition, the seasonal status of un-ionized ammonia concentrations should be examined.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.127	Lake Merritt: Please explain in greater detail why available data are insufficient to support a listing decision. In general, the State is proposing to continue listings from 1998 unless new data and information are sufficient to support the conclusion that the water body now meets standards. We note that no fact sheet was prepared for this water body listing although a delisting is proposed. It appears there is either sufficient evidence to conclude that standards are not being met or that available data are inconclusive. To be consistent with its general listing approach, the water should remain listed for DO until sufficient data are available to support a new assessment. EPA guidance does not specify minimum quality and quantity requirements as indicated in the staff report. Therefore, we request a more thorough analysis of available data and information than is presented in the staff report.	<p>Dissolved oxygen in Lake Merritt needs to be monitored at the surface and at depth to assess whether there is adequate DO to support beneficial uses. Surface values should be measured early in the morning (pre-dawn if possible) to document worst-case conditions.</p> <p>Because of community concern and anecdotal evidence of continued water quality problems, RWQCB staff does not recommend de-listing at this time, but recommends that DO be monitored systematically by a public agency such as the ACFC, City of Oakland, Alameda County Public Works Agency, or other stakeholder. This monitoring should be conducted at a minimum at the same sites as studies submitted by the Lake Merritt Institute, but more frequently than before to assess whether the lake is truly impacted due to lack of DO. This water body/pollutant combination is different than all others because it is proposed for "watch" list to confirm an earlier listing decision by U.S. EPA that may or may not be supported by current water quality information.</p>	No	
G.11.128	Lake Merced: Please explain in greater detail why available data are insufficient to support a listing decision. It appears standards are violated in a substantial percentage of the available samples; therefore, it is probably unnecessary to have a worst-case analysis as suggested in the staff report in order to reach a decision to list in this situation.	In the next listing cycle the RWQCB will re-evaluate DO and pH information, including the 1997-2000 data, and either accept or reject a listing determination for DO and pH.	No	
G.11.129	Redwood Creek: Please explain why available data are insufficient to measure potential exceedences of bacteria objectives (particularly single sample maximum standards, if applicable)	The temporal coverage of this study is considered inadequate for a 303(d) listing. RWQCB staff recommends that bacterial levels threaten water quality in this water body, and will evaluate San Mateo County data in the next listing cycle to determine if it should be added to the 303(d) list.	No	
G.11.130	Novato Creek: The staff report analysis misstates Clean Water Act requirements with respect to the process for considering waters for which available technology based controls have not been fully implemented. Implementation of technology based controls for either point source or non point sources is not a precondition for listing impaired waters on the 303(d) list. If the State is proposing to not list this water based on the provisions of 40 CFR 130.7(b)(1), the specific information identified in the cover letter must be provided to show that other required controls will result in attainment of standards.	Sediment may threaten water quality in Novato Creek. In the next listing cycle, the RWQCB will evaluate the planned sediment management and salmonid habitat identification efforts and an impairment listing either accepted or rejected. If the sediment control plan is not implemented, then the listing may be triggered.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.131	Novato Creek: It is not necessary to demonstrate beneficial use impacts or provide the sophisticated analysis of the relationship between sediment sources and instream effects if other elements of the applicable standards are violated.	Comment acknowledged.	No	
G.11.132	Pilarcitos Creek: The stated rationales for not listing Pilarcitos Creek do not appear to be consistent with federal listing requirements, and the State should review its analysis and either list the water body or provide a sounder rationale for not listing the water body.	Turbidity monitoring has not been conducted in Pilarcitos Creek so it is not possible, at this time, to determine whether such a problem exists in Pilarcitos Creek. Pilarcitos Creek should be placed on the Monitoring List because: 1) there is a clear linkage between sediment and degradation of habitat for steelhead in this watershed; 2) it remains to be determined whether human activities are an important factor; and 3) there is an active watershed restoration program, the Pilarcitos Creek Watershed Advisory Committee (PCWAC), that has broad stakeholder participation and support. The sources of fine sediment are not adequately characterized to support a 303(d) listing at this time.	No	
G.11.133	San Francisco Bay: Please explain why available data are insufficient to measure potential exceedences of applicable standards.	Please refer to the response to comment G.11.134.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.134	Trash Assessment: Please explain more clearly why available data and information are insufficient to measure potential exceedences of applicable standards. Please reconcile decisions to not list trash in San Francisco Bay region with decisions to list waters in other California regions in the 2002 and prior listing decisions.	<p>Generally, trash assessments were focused on the observance of a nuisance (as defined in Water Code Section 13050(m)) measured in water within the segment. This factor was used to translate appropriate narrative water quality objectives and findings of nuisance. Both numeric data and non-numeric data (visual assessments) were assessed.</p> <p>Visual Assessment is a technique to document waterway and watershed conditions and uses. It requires minimal technical equipment or training and relies primarily on the monitor's sensory abilities and common sense. There are two general approaches to visual assessments. The narrative approach involves the use of standardized forms to interpret visual (and other sensory) observations into words or numeric descriptions. There is also a photographic approach. Photographic monitoring, also referred to as "photo documentation," provides a permanent visual documentation of specific waterway and/or watershed conditions.</p> <p>Visual assessments were used to document conditions from the viewpoint of the individual observer, and are therefore usually qualitative or, at best, semi-quantitative. This assessment can be used as a baseline for gross problem identification, or for tracking gross changes over time. It is assumed that, based on the visual results, a more in-depth monitoring program will be designed to evaluate specific trash problems.</p> <p>For a water body to be placed on the section 303(d) list, it was necessary to have information documenting visual assessments of trash or some assessment of numerical data associated with litter or trash. A reasonable amount of spatial and temporal coverage was also necessary. Quantitative assessments of the areal extent of trash was considered sufficient even if the study covered a short period of the year.</p> <p>If an alternate program is available to address trash problems now (without any strengthening of its requirements) then the water body-pollutant combination was placed on the "Enforceable Programs List" for further assessment and action to correct the problem. Otherwise, the water body was placed on the section 303(d) list.</p>	No	

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G.11.135	As stressed in our letter to the Regional Board dated October 22, 2001, the 50% exceedence rate cutoff cited in the staff report as a basis for recommending listings is inconsistent with applicable water quality standards and federal listing requirements. Application of this cutoff probably has resulted in exclusion of several waters from the list that should be listed. For every water body in Region 3 which is not listed but for which data are available, we request that the State submit data summaries which describe the number of available samples, the number of exceedences of any applicable standard, and the specific rationale for not listing them under section 303(d). This request is made pursuant to 40 CFR 130.7(b)(6)(iv).	Agree. The Central Coast RWQCB data has been reevaluated to address this comment. About 100 new fact sheets were added to the staff report. Many new 303(d) listings are based on this reassessment.	Yes	Volume II, Region 3
G.11.136	Majors Creek: A party that submits data is not required to show that standards are exceeded in order for the data to be considered in a listing assessment; it is the State's responsibility to evaluate available data and information and determine whether standards are exceeded. Did the State follow up on its request for further clarifying information, and how did it evaluate that information if it was received? What analysis did the State perform to compare available data to the turbidity and sediment standards (including standards concerned with bottom deposits)? Please explain more clearly why available data and information are insufficient to measure potential exceedences of applicable standards. For example, turbidity data should be compared to available data and information from available studies and literature which identify turbidity levels associated with adverse impacts on aquatic life.	Please refer to the response to Comment No. 3.3.1.	No	
G.11.137	Monterey Bay Aquarium: Please show data analysis to demonstrate basis for not listing this water based on the available data and information.	Changes were made to the fact sheet.	No	Volume II, Region 3
G.11.138	Santa Barbara County Creeks: Please show data analysis to demonstrate basis for not listing this water based on the available data and information.	These fact sheets were reviewed and the assessment was sufficient to support the recommendations.	No	
G.11.139	Santa Barbara County Beaches: Please show data analysis to demonstrate basis for not listing this water based on the available data and information.	Many new fact sheets were added to the staff report to address these beaches.	Yes	Volume II, Region 3

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G.11.140	San Lorenzo River: The report infers that the submitted report provides no new information that provides a basis for assessing water quality or pollutant conditions. Please explain how the contents of this report were considered.	The fact sheet contains a brief review of the information.	Yes	Volume II, Region 3
G.11.141	Monterey Bay: Please cite the BPTCP protocol referred to in the report as a basis for not listing based on comparisons with TEL screening values. Also, please reconcile this approach to assess the metals data with the approaches used to assess contaminated sediment data in other locations.	This change has been made.	Yes	Volume II, Region 3
G.11.142	Santa Ynez, etc. watersheds: Please describe the analysis of USGS data which led to the stated conclusions.	In review of all the data, we added a new fact sheet for Salinas River near Chular. The fact sheet for Santa Ynez, etc. watershed has been deleted.	Yes	Volume II, Region 3
G.11.143	Los Angeles Region: The description of methods used to assess different types of standards based on different types of data and information is well organized and thorough. In particular, the discussion of methods used to evaluate sediment and tissue data is particularly thorough and well-thought out. In the final State submittal, we recommend inclusion of a similarly detailed description of methods used to evaluate different data and information types, and of preferred methods for evaluating sediment and tissue chemistry data for different pollutants. This kind of methods description is badly needed to provide an adequately detailed description of methods used and decision rules applied.	Comments acknowledged.	No	
G.11.144	It was unclear from the Los Angeles Regional Board staff report whether there were waters for which data and information were existing and readily available but which were not included on the 303(d) list. Please describe any data and information considered which did not result in a listing recommendation, and the rationale for the decision not to list based on the available data and information.	All existing data and information was reviewed and documented by the RWQCBs. The data and information reviewed is included in the administrative record.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.145	Central Valley Region: The rationale for not listing waters based on a need for further assessment should be described more clearly and in greater detail. The application of these criteria for each water considered should be described in sufficient detail to enable readers to fully understand the basis for the conclusion that the waters need not be listed. In addition, it is not clear that some of the suggested conditions under which waters need not be listed are consistent with federal listing requirements. First, we expect to see a more detailed technical and legal rationale to support a decision not to list waters because there are insufficient data or that the standards exceedences are not shown to be “recurring”. Second, the State should explain how it considered assessments of waters where data are not directly comparable, or where more recent data conflict with older data. Third, please see discussion in cover letter of decisions not to list waters based on reliance on other control measures, and provide sufficient documentation to address our comments.	Please refer to the responses for Comment Nos. G.11.11, G.11.12, G.11.23, G.11.21, G.11.8, and G.11.7.	No	
G.11.146	Central Valley Region: Concerning schedules, we are concerned that the proposed schedules in the Central Valley staff report, including a proposal to schedule low priorities for completion after 2015, are excessively long and are inconsistent with EPA’s national policy concerning TMDL completion. This schedule appears to be based on an invalid assumption that ½ of TMDL staff funds can be spent on TMDL implementation after 2004. This type of resource redirection is highly unlikely to occur in the near future; therefore, this is not a valid assumption for planning purposes. As discussed in the cover letter, the State should provide more aggressive schedules consistent with national policy expectations.	All the Central Valley RWQCB recommendations for schedules and priorities were considered by the SWRCB and modified based on the considerations in the SWRCB staff report.	No	
G.11.147	Central Valley Region: Waters Needing Further Assessment: Pursuant to 40 CFR 130.7(b)(6)(iv), please provide a water body by water body assessment that documents the State’s analysis of all existing and readily available data and information and provides the State’s specific rationales for not listing the waters.	The rationale for placing waters on the Monitoring List has been provided.	Yes	Volume III, Region 5

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.148	Central Valley Region: Temperature Assessments: We are concerned that the Regional Board did not provide a valid rationale for declining to consider temperature standards exceedences. Several other Regional Boards have listed multiple waters for exceedence of temperature objectives which are nearly identical to the narrative objective in Region 5's basin plan, without conducting the detailed analysis described in the comment response. The Regional Board should evaluate the data in comparison with temperature impact assessment methods used by other Regional Boards, provided in academic literature, and/or described in other State TMDL and listing methodologies addressing temperature impairment.	Temperature was addressed on a case-by-case basis considering the hydrologic and other environmental conditions in the various Regions. The Central Valley RWQCB did not address potential temperature problems because they did not have the data and information necessary to adequately evaluate standards attainment. Please refer to the response for Comment No. 5.18.3.	No	
G.11.149	Concerning the Central Valley RWQCB comment responses: We appreciate the effort to respond to comments but believe additional detail is needed to explain more clearly the basis for the recommendations not to list waters identified by commenters.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.150	Lahontan Region: Review of Submitted Data and Information: Please provide a more detailed description of the State's analysis of data provided by commenters Bishop Paiute Tribe, League to Save Lake Tahoe, USGS, and Pat Eckert. The staff report provides insufficient explanations of how these data and information sources were considered in the assessment process.	<p>In general, all existing readily available data and information was considered in developing the recommendations for the section 303(d) list. In some cases the RWQCB and SWRCB documented the review by developing fact sheets for water bodies even if listing or delisting was not recommended. Based on preliminary assessment of the data and information, fact sheets for many data sets were not prepared if a listing or delisting recommendation was not made.</p> <p>In particular, the Bishop Paiute Tribe provided water chemistry data for Bishop Creek. The RWQCB carefully reviewed this information but choose not to recommend a new listing because the data indicated that water quality objectives were not being violated or because violations, when they occurred, were not frequent enough to warrant listing.</p> <p>The League to Save Lake Tahoe sent a letter identifying data sources and requesting that Lake Tahoe and several tributaries be listed. The RWQCB staff acted appropriately on this information, for example by recommending that several tributaries to the Lake be listed for various pollutants.</p> <p>The USGS provided electronic data files, primarily for the Walker River watershed. Again, the RWQCB staff's careful review of this information resulted in several new listing recommendations.</p> <p>Pat Eckert sent information about MTBE in Lake Mary. As a result, the RWQCB staff recommended that Lake Mary be placed on the "Watch List," wherein it will receive greater monitoring scrutiny in coming years.</p>	No	
G.11.151	Lahontan Region: Antidegradation analysis: Please provide a more detailed rationale for the decision not to list certain waters unless "sample numbers are large enough to provide some confidence that they are representative." This approach may be valid, but needs to be described in greater detail both in principal and in application.	Please refer to the response for Comment No. G.11.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.152	Lahontan Region: TSMP Results/Sediment and Fish Tissue Data: The approach of not considering listing waters based solely on TSMP data needs to be clarified and justified in greater detail. The decision not to recommend listings based on fish tissue and sediment data also needs to be justified. Actual data results should be summarized and rationales provided on a water body-specific basis to explain why the data do not support listings. Most other Regional Boards did consider listings based on relatively limited fish tissue and sediment data; please reconcile this apparent inconsistency in treatment of fish tissue and sediment data among Regions.	The RWQCB staff carefully reviewed all data and information available before recommending water bodies for 303(d) listing. Included was bioaccumulation program tissue data. However, for this particular region, staff felt that TSMP samples were not necessarily representative of local wild fish populations. Unlike other areas, the Lahontan region does not tend to be as impacted by organic compounds and several key metals. The Region's more troublesome metals, such as silver and cadmium, do not have valid health criteria, making TSMP data less valuable. As the RWQCB staff report stated, the Region will use TSMP data provided that additional data or an appropriate advisory is available.	No	
G.11.153	Lahontan Region: Quality Assurance Screen: Please explain in greater detail the decision not to consider data for listing purposes unless there were documented QA/QC procedures. Did the Regional Board seek out QA/QC information on available data if this information was not provided? As discussed in the letter, data with unknown or limited QA/QC information can be used to help confirm information provided by other lines of evidence for individual waters or otherwise assist in the assessment process.	Please refer to the response for Comment No. G.11.20.	No	
G.11.154	Lahontan Region: Data quality: Please explain whether a specific minimum data sample size was required in order to consider listing waters and, if so, provide a rationale for its selection and application.	Please refer to the response for Comment No. G.11.18.	No	
G.11.155	Lahontan Region: Watch List: Please provide a water body-specific discussion of the data and analysis available for each water proposed for inclusion on the watch list. As discussed in the letter, note that threatened waters, as defined in federal guidance, must be considered for listing on the 303(d) list.	Please refer to the response for Comment No. G.11.6.	No	
G.11.156	Lahontan Region: Schedules: The priority rankings may need to be adjusted to account for the different interpretations of high priority articulated by the Region and the State Board. The recommendation to schedule a very large number of waters for TMDL development after 2015 is inconsistent with EPA's national policy concerning TMDL schedules.	All the Lahontan RWQCB recommendations for schedules and priorities were considered by the SWRCB and modified based on the considerations in the SWRCB staff report.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.11.157	Santa Ana Region: Minimum Sample Size: Please provide a more detailed rationale for the approach of requiring 10 or more samples to consider including a water on the 303(d) list. This approach may be unreasonably exclusive, especially for toxic pollutants and assessment of toxicity, fish tissue, and sediment data which have may integrate the effects of longer term chemical exposures. A water body-specific rationale for the decisions not to list waters with significant numbers of exceedences (e.g., >2 exceedences for toxic pollutants or pollutants with standards expressed as not to be exceeded values), regardless of sample size, should be provided.	Please refer to the response for Comment No. G.11.18.	No	
G.11.158	Santa Ana Region: Weight of Evidence: We support the proposal to consider data sets smaller than 10 in number through an apparent weight of evidence approach described in #8. The actual application of this idea should be explained more clearly and in greater detail. This section appears incomplete in the draft we reviewed.	Please refer to the response for Comment No. G.11.21.	No	
G.11.159	Santa Ana Region: Monitoring Lists: Please provide a water body-specific discussion of the basis for the decisions to place these waters on the monitoring list. The attached fact sheets do not provide a clear basis for these judgements	Please refer to the response for Comment No. G.11.11.	No	
G.11.160	Bacterial Objectives Assessment: It appears waters were not considered for listing based on exceedences of not-to-be-exceeded bacteria objectives, but instead were evaluated only for chronic bacteria exceedences. Both types of bacteria objectives must be applied to consider whether standards are exceeded and waters are required to be listed. Please clarify whether acute bacteria standards were applied.	Please refer to the response to Comment No. 4.11.3.	No	
G.11.161	San Diego Region: Constituents of Concern: Please provide a more specific description of and rationale for the decisions not to list the identified "pollutants of potential concern" which are listed in this table. The text does not appear to provide a sufficiently detailed set of explanations.	Please refer to the response for Comment No. G.11.11.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.12.1	The current listing process is cumbersome, lacks sufficient data and is not timely. I propose an alternative approach that would help focus attention to the most problematic sub-watersheds and could be implemented within 12 months or less. Since there is a strong correlation between the % impervious cover in a watershed and stream condition, we should be able to predict stream condition from estimates of % impervious cover made in each watershed and subwatershed along the coast.	The SWRCB staff know of no precise relationship between standards attainment and percent impervious cover and, therefore, do not recommend taking the alternate approach proposed. SWRCB staff will continue to use direct measurements of standards attainment in the section 303(d) list development.	No	
G.12.2	Presence of invasive exotic plant species should be used as an indicator of impaired water bodies. Recommend that the distribution, abundance, species composition, and impacts of invasive plants associated with riparian habitats be aggressively included as an additional criterion in the SWRCB's protocol for assessment of impaired water bodies.	Invasive species can be a cause of impacts on water quality resulting in standards not being attained. However, invasive species are not "pollutants" but should be addressed as "pollution".	No	
G.13.1	The State needs to develop a standard that is uniformly applied throughout the state for placing stream segments on 303(d) lists. This uniformity would minimize the potential for litigation that would result from the Regional Boards' discretionary and professional judgement-based decisions.	Please refer to the response for Comment No. G.8.3.	No	
G.13.2	A statewide Technical Advisory Committee should be assembled in order to minimize arbitrary or discretionary judgement when making listing/delisting decisions in the listing process.	Please refer to the response for Comment No. G.8.3.	No	
G.13.3	The Policy should be transparent, predictable, and reproducible. The environmental groups and the regulated community should be able to assess the same data and arrive at the same listing/delisting decisions as the RQWCB or the SWRCB.	Please refer to the response for Comment No. G.8.3.	No	
G.13.4	More time needs to be build into the listing system to allow for substantive comments and response. There are concerns for the potential that some comments will not be addressed.	Please refer to the response for Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.13.5	The scope of the policy should include: guidance for listing, guidance for delisting, analysis of beneficial use designation/de-designation that would flag incorrect beneficial use designations, then trigger a Use Attainability Analysis (UAA) and allow a water body in question be placed on a Watch List until the UAA is completed, examination and recommendation of water quality standards for appropriateness and whether or not the standards were legally promulgated.	Please refer to the response for Comment No. G.8.3.	No	
G.13.6	The Policy should establish core principles including decision-making procedures, assimilative studies, assessment of beneficial uses, review of criteria for each beneficial use, and site specificity.	Please refer to the response for Comment No. G.8.3.	No	
G.13.7	The Policy should establish guidance on staffing at the State and Regional level, to address difficulties and delays in reviewing data, disseminating reports and information in a timely matter due to staffing deficiencies.	Please refer to the response for Comment No. G.8.3.	No	
G.13.8	The list approval should be by the RWQCB with the final approval of a state wide list by the SWRCB. However, if the SWRCB request changes to the list, they should be allowed to do so without consulting or remanding back to the Regional Board.	Please refer to the response for Comment No. G.8.3.	No	
G.13.9	The State should give higher priority to the 305(b) assessment, since it sets the stage for the 303(d) list and the TMDL program The 305(b) assessment includes such items as environmental impact assessment, socio-economic benefit assessments, and a description of the nature and extent of nonpoint sources of pollutants, with recommendations of control programs.	Please refer to the response for Comment No. G.8.3.	No	
G.13.10	The Watch List would be used for cases where there are insufficient or inadequate data indicating impairment, thereby identifying that additional data needs to be collected to warrant placing it on the 303(d) list.	Please refer to the response for Comment No. G.8.3.	No	
G.13.11	More details on the use of the watch list should be described in the Policy. These detail include information on the procedure utilized to get water bodies on or off the list, duration of the watch list and etc.	Please refer to the response for Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.13.12	The use of a two list process [preliminary (watch list) and an action list (303(d)) list] will give us an opportunity to perform a full assessment on water quality and waterbody health. The process will also allow a review of any concerns about beneficial uses and/or water quality objectives, various options such as use attainability analysis and site-specific objectives.	Please refer to the response for Comment No. G.8.3.	No	
G.13.13	The State Board should draw from other states experiences and approaches and not reinvent the process. The watch list allows us to focus on true impairments of highest priority, rather than spend time and resources on questionable impairments, so that positive results are not measurable.	Please refer to the response for Comment No. G.8.3.	No	
G.13.14	The management of 1472 listings with 800 TMDLs should be addressed in the California Listing Policy, so that concerns from both the regulated and environmental group are taken in consideration. The Policy should lead to a more focused, scientifically defensible list.	Please refer to the response for Comment No. G.8.3.	No	
G.13.15	The usage of non-promulgated or improperly promulgated standards are not proper because it allows for inappropriate or inconsistent application of these standards for impairment decisions and represents underground regulations.	Please refer to the response for Comment No. G.8.3.	No	
G.13.16	The State needs to require a periodic review of the water quality standards and criteria used for listing and delisting. SWRCB needs to inform stakeholders that legitimate standards issues will be address the procedures or considerations that will be used to address in a timely matter.	Please refer to the response for Comment No. G.8.3.	No	
G.13.17	There should be criteria for eutrophic, mesotrophic and oligotrophic water bodies. More discussion and research is required to define which water bodies go under which category.	Please refer to the response for Comment No. G.8.3.	No	
G.13.18	Standards should include but not limited to: the minimum number of samples required for an impairment decision, number of allowable exceedances per numbers, sediment and tissue samples-scientifically and statistically-what is an acceptable number of samples for decision-making, calibration of modeled data, proper selection of toxicity organisms, seasonality and temporal considerations, spatial and hydrologic variations and QA/QC data should have rigorous requirements.	Please refer to the response for Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.13.19	Listings should not be based on symptoms e.g., algae. Symptoms are usually subjective, especially the amount which defines impairment. Listings should not be done until pollutant has been identified. For example, if abundant algae exist with low nutrient content, the major cause of growth might be sunlight (due to the destruction of riparian vegetation along streambanks), lack of scour flows, and temperature. Malibu Creek watershed includes listing for nutrients, algae, and eutrophication, all of which have more to do with the destruction of the riparian canopy and the resultant loss of shade than rising nutrients levels.	Please refer to the response for Comment No. G.8.3.	No	
G.13.20	Since water bodies in past and current 303(d) listings were listed without a standard listing or delisting procedure, the entire existing list needs to be reviewed for correctness after the delisting procedure has been approved and promulgated.	Please refer to the response for Comment No. G.8.3.	No	
G.13.21	Delisting is politically sensitive, therefore we recommend moving it away from the political process by establishing standardized statewide criteria and procedures.	Please refer to the response for Comment No. G.8.3.	No	
G.13.22	Suggest the following element for a delisting procedure; delisting should occur when new data shows attainment of criteria.	Please refer to the response for Comment No. G.8.3.	No	
G.13.23	Suggest the following element for a delisting procedure; delisting should occur when there are incorrect listings, or incorrect beneficial use designations.	Please refer to the response for Comment No. G.8.3.	No	
G.13.24	Suggest the following element for a delisting procedure; delisting should occur if there is insufficient or bad data.	Please refer to the response for Comment No. G.8.3.	No	
G.13.25	Suggest the following element for a delisting procedure; keep waters on the list until Water Quality Standard or Beneficial Use are restored. However on a case-by-case basis, it may be acceptable to delist or place on a watch list when control measure are already in place, or when a TMDL is developed.	Please refer to the response for Comment No. G.8.3.	No	
G.13.26	Suggest the following element for a delisting procedure; delisting should occur when a Water Effects Ratio is developed that indicates that the waterbody segment is not impaired for a given pollutant.	Please refer to the response for Comment No. G.8.3.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.13.27	Suggest the following element for a delisting procedure; delist or do not list when the waterbody fully supports the beneficial use, but is threatened.	Please refer to the response for Comment No. G.8.3.	No	
G.14.1	Support the Water Board's proposal to create a "Watch List" for several water bodies.	Comment acknowledged.	No	
G.14.2	To further ensure a focused regulatory process, we recommend that the Water Board also work towards completion of a proposed Water Quality Control Policy prior to development of future 303(d) lists.	Comment acknowledged.	No	
G.15.1	Support the "Watch List."	Comment acknowledged.	No	
G.15.2	Support the idea of delisting waters where the source of pollution is naturally occurring.	Comment acknowledged.	No	
G.15.3	Support the concept of delisting water where Quality Control/Quality Assurance standards were inadequate or non-existent.	Comment acknowledged.	No	
G.15.4	Support the "TMDLs Completed" List.	Comment acknowledged.	No	
G.15.5	Concerned that many of the listings are there simply because they were on the 1998 list.	Please refer to the response for Comment No. G.11.12.	No	
G.15.6	Concerned that the Board will list waters that have violated informal advisory criteria instead of adopted water quality objectives.	Please refer to the response for Comment No. G.8.3.	No	
G.15.7	Listing a water body based upon a single sample, or very limited data, jumps to a conclusion that may or may not be valid. We are aware of a listing that is based upon the result of a fish tissue sample taken on a single day, and a listing based upon five samples taken during one month in 1998.	Please refer to the response for Comment No. G.10.6.	No	
G.16.1	The Department of Pesticide Regulation (DPR) provided information to the individual Regional Water Quality Control Boards during the initial solicitation in April 2001. DPR has not identified any additional data or information that can serve to identify impaired water bodies.	Comment acknowledged.	No	

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G.17.1	The proposed three-list scheme raises concerns. According to the Draft Report, water bodies will be placed on a "Watch List" if there is insufficient data and information to list them on the 303(d) list, and placed on a "TMDLs Completed List" to show progress in developing TMDLs. The proposed "Watch List" and "TMDLs Completed List" are not part of the CWA statutory scheme. States are required to identify waters that do not meet water quality standards after the application of technology-based effluent limits, and submit one list of these waters to USEPA for approval. CalPIRG agrees with members of the AB 982 PAG that the State Board should stick closely to the federal regulations and submit only one list, the 303(d) List.	Please refer to the response for Comment No. G.11.11.	Yes	
G.17.2	Concerned that the "Watch List" will be a waiting list for non-action. If there is anecdotal, minimal or contradictory information for a water being considered for listing, it is in the public interest to list the water on the 303(d) list, perhaps as low priority. The appropriate next step would be to conduct assessment work as part of the TMDL development process.	Please refer to the response for Comment No. G.10.1.	No	
G.17.3	The "TMDL Completed List" is not contemplated by the CWA. There is no basis in the CWA for delisting a water body simply because a TMDL has been prepared. 40 CFR 130.29(b) (effective 2003) states that State Boards "must keep each impaired water body on your list for a particular pollutant until it is attaining and maintaining the applicable water quality standard for that pollutant." Deviating from the statutory mandates and creating additional lists that are contradictory to the regulations suggests that the State Board is engaging in decision making based on self-interest and creates an appearance that the water bodies' contamination problems have been remedied. Many TMDLs have very lengthy implementation periods and the effective delisting of these is perhaps many years in advance of any noticeable improvements in water quality. The "TMDL Completed List" is unreasonable, misleading and unnecessary.	Please refer to the response for Comment No. G.11.11. The federal regulations presented are not in effect and, therefore, the SWRCB is not required to follow the proposed mandate.	No	
G.18.0	Supports the delisting of all the water segments and pollutants proposed in Table 2 of the draft staff report.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.18.1	Supports and endorses staff's recommendation for a "watch" list for water segments where there is insufficient information to support a 303(d) listing, or if a regulatory program is in place to control pollutants and there is not yet sufficient data to demonstrate success. Supports the independent assessment of water segments on the "watch" list so that they are individually judged based on the data and the science for each particular water segment. In addition to the "watch" list, recommends the SWRCB consider developing a statewide process to ensure that water segments recommended for the "watch" list are done in a consistent manner. We would urge the Board to make every effort to conduct an analysis of the 1998 list to determine which water segments should be placed on the "watch" list.	Comment acknowledged.	No	
G.18.2	Supports the 13 case-by-case factors that were used to evaluate regional board recommendations. However, we have found that the application of the factors by each of the regional boards is inconsistent. Further the state staff recommendations did not attempt to reconcile the differences into one consistent state methodology for listing.	Comment acknowledged.	No	
G.18.3	Commenter questions whether it is appropriate to use "fish advisories" as the measurement for impairment. There are no scientific criteria for when an advisory is issued.	Fish advisories are an acknowledgement that beneficial uses of a water body are impacted. It is appropriate to use these advisories as long as there is some indication that the pollutant(s) are present in the water body. Precautionary advisories should be reviewed carefully to determine if there is a likelihood of standards and beneficial uses not being attained.	No	
G.18.4	Question the listing of water bodies for "unknown" pollutants or for generic "beach closures". These water bodies, at a minimum, should be moved to the "watch" list until specific pollutants can be identified and translated into numeric impairments that can be addressed.	Please refer to the responses for Comment No. G.10.6.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.18.5	Supports the use of all credible data to make impairment determinations, as is required by federal rules. It is important to use minimum requirements to determine if data is credible and scientifically defensible. Data should meet reasonable quality assurance and quality control requirements for sample collection, field and laboratory analysis, data management and samples and data are collected by trained personnel. Valid, credible data must meet the appropriate EPA, USGS, ASTM or American Public Health Association Standard Methods.	Comment acknowledged.	No	
G.18.6	Supports the NRC report recommendation that a statistical "weight of evidence" evaluation be used to interpret data.	Comment acknowledged.	No	
G.18.7	Supports a high-medium-low priority ranking system for 303(d) listed water segments. Commenter has concerns with how the criteria were used to rank water segments. Commenter believes that it is more appropriate to rank water bodies based on the importance of the water segment and on the severity of the impairment. Commenter recommends that the priority ranking also incorporate criteria that address water segment significance and degree of impairment.	Comment acknowledged.	No	
G.18.8	The same criteria for delisting and/or placing water bodies on the "watch" list should also be applied to water segments on the 1998 list.	Please refer to the response for Comment No. G.11.12.	No	
G.18.9	San Pablo basin (Petaluma River)--Nickel: Move to Watch List. There is a lack of consistent data for this water body.	Comment acknowledged.	No	
G.18.10	Ballona Creek Watershed: Supports placing water body listings for Selenium, Lead, Zinc, and pH on the Watch List.	Comment acknowledged.	No	
G.18.11	Conejo Creek--HCH/PCBs: Move to Watch List because two samples are not sufficient to support the listing.	The samples collected showed bioaccumulation of these pollutants in fish tissue. As described in the response for Comment No. G.11.18, a small number of these types of samples was considered sufficient to support a listing decision.	No	
G.18.12	Los Angeles River Estuary--Lead: Should be on the Watch List because an enforceable program is in place (the BPTCP).	Please refer to the response for Comment No. G.11.12.	No	
G.18.13	Los Angeles River Reach 1, San Gabriel River Watershed: All data for the listings associated with this water body were derived from one site. Place this water body on the Watch List.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.18.14	Region 2 and Region 4 Beach closures and postings are not pollutants and should be place on the Watch List pending the collection of data on the responsible pollutants.	Please refer to the responses for Comment Nos. 4.11.3 and G.11.12.	No	
G.18.15	Support the placement of many water bodies on the Watch List because there is insufficient information to support a 303(d) listing or where there is a regulatory program in place to control the pollutants.	Comment acknowledged.	No	
G.18.16	The Commenter supports several recommendations of the SWRCB staff to place waters on the Watch List where the SWRCB staff disagreed with the RWQCB's recommendations.	Comment acknowledged.	No	
G.18.17	South San Francisco Bay--Copper: The commenter supports the RWQCB recommendation to remove the water body and pollutant from the list.	Please refer to the response for Comment No. 2.1.1.	No	
G.19.1	Supports the development of a "watch list" as recommended by State Board staff.	Comment acknowledged.	No	
G.19.2	Supports the concept of not listing waters on the 303(d) List where there is an alternative, enforceable program in place to achieve water quality standards.	Comment acknowledged.	No	
G.19.3	Commenter believes that the State Board must re-examine all waters that were placed on the 1998 Section 303(d) List under the same protocols and standards used by staff in reviewing the 2002 Regional Board recommendations.	Please refer t the response for Comment No. G.11.12.	No	
G.19.4	The State and Regional Boards are required to comply with Consent Decrees that require the development of dozens of TMDLs throughout the state on an expedited, yet wholly unreasonable time schedule. Request the State Board to formally contact US EPA Region 9 Administrator and ask Region 9 to return to Federal District Court, seeking a modification of the Consent Decrees in order for the state to perform its responsibilities in an orderly and appropriate fashion, without the specter of the short time schedules contained in the current Consent Decrees forcing potentially inappropriate decisions.	The State of California was not a party to the consent decrees in question, which establish timelines relating to TMDL development. Whether or not the State should ask USEPA to petition for a modification of the decrees is not before the SWRCB at this time. The matter before the SWRCB is not the ability or inability to meet the schedules set forth in the decrees, but a determination of which waters within California are not attaining standards. Section 303(d)'s requirement to develop TMDLs is a distinct requirement and subject to a different schedule than development of the 303(d) lists.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.101.1	Support the state's approach of carrying overpass listings unless there was new data or information to support a change. Believe that this has been upheld in other states and in past listing decisions. A statewide listing policy will provide a basis for a more systematic analysis of all waters in the state when the state next reviews a 303(d) listing decision.	Comment acknowledged.	No	
G.101.2	There is a need for improved documentation of the basis for decisions on certain waters. The approach of doing it water body by water body through the fact sheet approach makes sense. We believe that there is enough time and resources to provide appropriate documentation for those water where the existing proposed documentation is too thin.	Please refer to responses to Comment No. G.11.4.	No	
G.101.3	Recommend that the State Board reconcile or explain the inconsistencies. Concerned that the listing requirements for some waters were probably too stringent and exclusive. Concerned about the assessments that were done possibly in Region 3, the Central Coast Region, and Region 8, the Santa Ana Region. It may be a matter of understanding how waters were assessed in those regions to help figure out whether the waters were assessed inconsistent with how water quality standards are written.	Please refer to responses to Comment Nos. G.11.24.	No	
G.101.4	Support the watch list concept. Request that additional explanation is provided than in the proposed report. There are some waters that didn't end up on any list, for which data was provided. It is very important to show how the data and supporting information were considered and why those water don't belong on the 303(d) list or the watch list.	Please refer to responses to Comment Nos. G.11.4.	No	
G.101.5	There are a number of waters that are impaired, but were proposed not be listed because other control programs may be in place or planned. This concept can work, but it is very important to show that those other programs are actually in place and working or will be working very soon. There are 20 listings in that category around the state, and we will be working with your staff to take a very hard look at the basis for not listing those kind of waters.	Please refer to responses to Comment Nos. G.11.8.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.101.6	Believe that the state is doing the things that are the required minimums. Note that our national policy is the state should update their entire TMDL schedules either with their 303(d) listing decisions or about the same time. We hope that the State Board takes up the development of more comprehensive schedules for all the waters on this list very soon after the final list is established. It is very important to provide the assurance to the community, to the Legislature and to all the concerned parties about when individual TMDLs will come up and to show that the state is carrying out this program in accordance with the law.	Please refer to responses to Comment Nos. G.11.10 and G.11.19.	No	
G.102.1	Expressed appreciation for finding an extension for submittal of comments.	Comment acknowledged.	No	
G.102.2	Support and endorse the staff's recommendation for a watch list and accompanying criteria that has been proposed by the staff, when there is a situation with insufficient information on a water segment to support a 303(d) listing, and if there is a regulatory program in place to control pollutants, but there not sufficient data to demonstrate success.	Comment acknowledged.	No	
G.102.3	Support the proposed case-by-case factor that have been proposed by the staff. Believe that the minimum data quality, data samples, data tie translations and narrative criteria are all important factors and support all those 13 factors that are being included.	Comment acknowledged.	No	
G.102.3	Recommend that more specific standards be added to the 13 case-by-case factors, some additional specificity would be helpful for each of the factors, and it would result in more accurate information provided.	Comment acknowledged.	No	
G.102.4	Support the priority ranking system for the 303(d) list water segments. The top priority ranking is imperative in order for California to address the over 1,500 water segments in an orderly and scientific fashion.. There needs to be more of a consistent review of all water segments.	Comment acknowledged.	No	
G.102.5	Urge the Board to do more comprehensive review of the 1998 list, especially given the fact that there has been a development of 13 case-by-case factors.	Please refer to the response for Comment No. G.11.12.	No	

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G.102.6	Encourage the need of a statewide policy and recognize and appreciate the efforts of the State Board staff on the development of a statewide policy. Believe that there is an important need for such a policy and certainly our association us prepared to assist in whatever way we can to promote a type of policy is necessary for future listings.	Comment acknowledged.	No	
G.103.1	Appreciate the effort by the State and Regional Board staff in putting together the information and reviewing a very substantial amount of data in a relatively short period of time. Appreciate the extension on the comment period for the submission additional information for the listing process.	Comment acknowledged.	No	
G.103.2	Support the watch list concept. This triage or priority approach is the best way to deal with all water bodies in the proposed listing process.	Comment acknowledged.	No	
G.103.3	Support the concept of not listing waters where there is an alternative enforceable program in place to achieve water quality standards.	Comment acknowledged.	No	
G.103.4	Support the need to reexamine waters that were previously on the '98 list. The creation of a watch list or planning list, not to list for natural causes of pollution or pollutants or pollution that are not related specifically to pollutants and not list where there are mixing zones or site-specific objectives or criteria that are applicable.	Comment acknowledged.	No	
G.103.5	Since money for TMDLs is limited there is a need for a more scrutinized approach to listing as well as the going forward and reexamine the '98 list. Because of the 23 billion dollar deficit, the state is strapped for money to get these TMDLs done and further listings that really don't warrant it really don't seem to put the Regional Boards or the State Board in a very good position.	Please refer to the response for Comment No. G.11.12.	No	
G.104.1	The listing process is much clearer, much more open and there is a lot more information in the staff reports for someone interested in a particular listing decision to be about to take a look at it and evaluate it.	Comment acknowledged.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.104.3	Many of the concepts that are proposed in the staff report are very similar to those that the USEPA is considering in its revised watershed rule which is now called the TMDL Rule. USEPA is proposing to not to put water bodies on the TMDL list where there is an alternative program. TMDL are a tool in the toolbox that we need to use, but we need to keep in mind that they are not the all and to end all in crafting the 303(d) list.	Comments acknowledged.	No	
G.104.4	Support the need to reexamine waters that were previously on the 1998 list.	Please refer to the response for Comment No. 11.12.	No	
G.104.4	Support the establishment of a watch list and support many of the factors that the staff has applied in determining if they should go on a watch list rather than the TMDL development list. These factors consist of insufficient data, alternative enforceable program in place and unknown stressors.	Comments acknowledged.	No	
G.104.5	Support delistings where impairment is due to natural conditions and where they are based on informal criteria such as elevated data levels.	Comment acknowledged.	No	
G.104.6	Believe there are a number of listings on the '98 list that suffer from the very same flaws that you have identified and addressed in the proposed 2002 listing. Even though the recommendation to leave the '98 list as is, is legally sound, is it appropriate and helpful to the state in terms of where you are trying to take this program? Suggest that you review listings on the '98 list where specific issues raise from the public, at the hearings and/or in the comments letters, be tracked with the criteria that your staff as applied to the 2002 listing.	Please refer to the response for Comment No. 11.12.	No	
G.104.7	Concerned about listings based on draft guidance or informal criteria rather than adopted water quality objectives. See comment letter G.9.	Please refer to the response for Comment No. G.9.9.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.104.8	Recommend one other watch list criteria that is the placement of a water body on a watch list where site-specific objectives are under development. For example, the South Bay work on copper and nickel where water bodies are carried forward on the list during site-specific development objectives to determine what the appropriate level of a particular pollutant is feasible in a water body. This needs to be determined before heading down the TMDL road. If you put those water bodies on a watch list and let the site-specific work continue, then if or when the site-specific objective is adopted or not adopted you can then commit an assessment as to whether the water body is impaired.	Please refer to the response for Comment No. G.9.11.	No	
G.105.1	Support the addition of almost 200 impaired water body segments to the Draft 2002 list and the fact that you are using the 1998 list as a basis for what we are seeing in 2002.	Comment acknowledged.	No	
G.105.2	Feel that a watch list can be really easily exploited and used as a delay tactic for cleaning up impaired water bodies. Believe that the watch list is contrary to the clear intent of the Section 303(d) and implementing regulations.	Please refer to the response for Comment No. G.10.1.	No	
G.105.3	Believe that the dividing of impaired water bodies among various lists, such as the TMDL completed list or the watch list, really has no regulatory or legal significance. This process can be viewed as delisting and move us further away from achieving water quality objectives.	Please refer to the response for Comment No. G.10.1.	No	
G.105.4	Disagree with the Board's decision to require that the explicit linkage be made between an impaired water body and the source of its pollution prior to adding that water body to the list. The source of pollution has relevance as background data, but whether it exists or not does not change the fact that the water body is impaired, which therefore meets the criteria for listing.	Please refer to the response for Comment No. G.10.9.	No	
G.105.5	Believe that the process of listing water bodies has to be separated from management strategies that could be implemented to remedy the impairment. The fact that water quality management programs, such as Toxic Hot Spots programs exist should provide all the more reason to list water bodies as opposed to not list them. The existence of these programs in concert with continued water quality impairment acts as evidence that listing is warranted.	Please refer to the response for Comment No. G.10.9.	No	

COMMENT NUMBER	SUMMARY OF COMMENT	RESPONSE	REVISION	DOCUMENT SECTION
G.105.6	A number of creeks in Santa Clara County are severely impacted by trash. Region 2 has confirmed that excessive levels of trash are found in virtually all urbanized waterways within the Region, but they have failed to propose any water bodies due to trash, because other efforts have been in place to deal with this problem. The fact that existing management efforts are in place and have failed provides us with even more reason to add these waters to the 303(d) list.	Please refer to the response for Comment No. G.11.134.	No	
G.106.1	While we appreciate the amount of information involved in evaluating water bodies, we feel that the information at the administrative record is not as effective as it could be. This is due to the fact that a lot of the information was missing. Also, having the information available in Sacramento from 8 - 4, is prohibitive and limits access, which leads directly to transparency. Request that the relevant information be available and accessible on the Web.	Providing the information on the web was not possible for the 2002 303(d) List administrative record. This was due to the time constraints necessary to complete the proposed list. The record for the 2002 section 303(d) List is available for review in the SWRCB's Division of Water Quality located on the 15th Floor of the Cal/ EPA Building (1001 I Street, Sacramento, California).	No	
G.106.2	We oppose the watch list regardless of any existing alternative or enforceable programs or for lack of sufficient data. This does not negate the fact that it is an impaired water body and that it does, indeed, need to be listed.	Please refer to the response to Comment No. G.10.1 and G.11.8	No	